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A RESIDENCE

AT

THE COURT OF LONDON.

VOL. II.

A RESIDENCE

AT

THE COURT OF LONDON,

COMPRISING

INCIDENTS, OFFICIAL AND PERSONAL,

FROM 1819 TO 1825:

AMONGST THE FORMER,

NEGOTIATIONS ON THE OREGON TERRITORY,

AND OTHER UNSETTLED QUESTIONS

BETWEEN THE

UNITED STATES AND GREAT BRITAIN.

By RICHARD RUSH,

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY FROM THE UNITED STATES, DURING THE ABOVE YEARS.

SECOND SERIES.

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A RESIDENCE AT

THE COURT OF LONDON.

CHAPTER XXI.

DEATH OF THE MARQUIS OF LONDONDERRY.—THE FOREIGN AMBASSADORS AND MINISTERS ATTEND HIS FUNERAL.—MR. CANNING BECOMES FOREIGN SECRETARY OF ENGLAND.—INSTRUCTIONS FOR OPENING AN EXTENSIVE NEGOTIATION WITH ENGLAND.—INTERVIEW WITH MR. CANNING ON THAT SUBJECT.—CONVERSATION WITH HIM ON THE PLANS OF FRANCE, AND THE EUROPEAN ALLIANCE, RESPECTING SPANISH AMERICA.—RELATIONSHIP OF THE UNITED STATES TO THIS SUBJECT.—DINNER AT MR. PLANTA'S.—GAME OF TWENTY QUESTIONS.

July, 1823. The last preceding memorandum in this irregular narrative of a public mission, was in **July, 1821.** I cannot resume its thread, here broken by a chasm of two years, without alluding to the death of the Marquis of Londonderry, which happened in August, 1822. He died by his own hand at North Cray, his country home, in Kent. The event proceeded from temporary aberration of mind, caused, in

all probability, by his laborious exertions as ministerial leader in the House of Commons, during the session of parliament which had just closed; added to toils and solicitudes of scarcely inferior burden upon him, as first minister of the crown for foreign affairs. His death created a great shock. As a statesman moving largely in English and European affairs, during the momentous transactions which preceded and followed the overthrow of Napoleon, and influencing decidedly some of them, history has already passed upon his character; and it is no part of my purpose in these humble and fugitive pages, to discuss it in those relations. But in relation to that portion of English statesmanship which has to deal with American affairs, and it is no unimportant portion, I must appeal to the preceding pages, to attest the candid and liberal spirit in which he was ever disposed to regard them. Let those who would doubt it, consult the archives of the two nations since the end of our revolutionary war, and point out the British statesman, of any class or party, who, up to the period of his death, made more advances, or did more in fact, towards placing their relations upon an amicable footing. I even hazarded the opinion in chapter XX. of the volume of this work published twelve years ago, that, had he not left England to attend

the congress at Aix la Chapelle in 1818, he would have settled with the United States, in the negotiation then pending, the question of impressment; and, as an opinion, I still hold it, on grounds then intimated. His sentiments were all of a lofty kind. His private life was pure, and all who knew him in those relations loved him. In society he was attractive in the highest degree; the firmness and courage of his nature, being not more remarkable than the gentleness and suavity of his manners. He was buried in Westminster Abbey, between the graves of Pitt and Fox. The diplomatic corps all went to his funeral; and not one among them could gaze upon his pall, without having his memory filled with recollections of kindnesses received from him. If anything intrinsically unpleasant ever arose in the transaction of international business with them, he threw around it every mitigation which blandness of manner could impart; whilst to announce or promote what was agreeable, seemed always to give him pleasure. His personal attentions to them, were shown in ways which appeared to put out of view their coming from an official source, by the impression they made on the heart. Might not each individual of the large assemblage of ambassadors and ministers who were of the funeral train, naturally have felt

grief at the death of such a foreign secretary? struck down, as he also was, so suddenly, and in so melancholy a way, in the midst of his high employments, and with apparently so strong a hold upon life and its honours? Nor did I ever see manly sorrow more depicted in any countenance than that of the Duke of Wellington, as he too took a last look at the coffin when lowered down into the vault.

Upon the death of Lord Londonderry, the office of Secretary of State for Foreign Affairs in England, passed to the hands of Mr. Canning —a name also known to fame. He was a statesman and an orator; filling each sphere with powers highly disciplined, whether their exercise was felt on great occasions, or only dazzled on lighter ones. He was the ornament also of private life, in a society refined by age, by education, and by wealth; ascendant in the highest literary circles, and adding dignity to those of rank. His rural residence was at Gloucester Lodge; and his classic dinners at that abode, as the hospitalities of Lord Londonderry at North Cray and St. James's Square, will long be remembered by the diplomatic corps at the English court in the time of George IV., as reliefs along the often anxious path of international business. He too, soon passed away. Raised by his genius to the

Premiership, the proud dream, it may be, of his life, he died almost immediately after ascending that pinnacle; the victim, in his turn, of official labours and solicitudes too intense, superadded to those of that stormy ocean where his sway was great—the House of Commons. Britain entombed him also, side by side with those of her distinguished men whose lives were devoted to her service, or her renown.

During the interval of two years and more, which I have passed over, for I have omitted almost entirely also, the first six months of 1821, much of public business passed through my hands, and had its completion. It was much intermingled also with social scenes, some of which might bear to be told; for I believe that every American minister in England, is apt to find the circle of English hospitality increase around him the longer he stays; but the half of it, past or to come, in my case, cannot be told, though it cannot be forgotten. I am about to enter upon some account of further negotiations which I conducted with the British government on subjects, some of which still remain unsettled, and have a deep present interest. It has been for the purpose of reaching the point of time when I was first instructed to open these negotiations, as well as to speak of other international things passing between the

foreign secretary of England and myself, in connexion with them, that I have passed over the intervals mentioned; lest I should extend to undue limits a work, which may already be too long for the reader's patience. Mr. Canning continued at the head of foreign affairs during the full remaining term of my mission.

July 29. To-day I received from Mr. Adams, Secretary of State, five several despatches, numbered from 64 to 68, inclusive; each one on a subject in regard to which I am directed to open a negotiation with this Government.

The first bears date the 23rd of June, 1823, and relates to the commercial intercourse between the United States and all the British Colonies in America; England having opened her West India trade to us by Act of Parliament last year, though in a manner which has not proved satisfactory in its practical effects.

The second is dated on the 24th of June, and relates to the suppression of the slave trade.

The third, on the 25th of June; and relates to the unsettled boundary line between the United States and Great Britain, as mentioned in the fifth Article of the Treaty of Ghent.

The fourth, on the 26th of June; and relates to the admission of consuls of the United States in the colonial ports of Great Britain.

The fifth, on the 27th of June; and relates to the fishery on the western coast of Newfoundland.

Instructions are given to me under each of the foregoing heads, with Mr. Adams's accustomed ability. Documents of various kinds are added; and the first despatch, No. 64, enclosed a full power to me, from the President, to conclude and sign, on behalf of the United States, any treaty or treaties, convention or conventions, to which the negotiation might give rise.

A sixth despatch, numbered 69, came at the same time, dated on the same day with the fifth, which exhibits under one view all the foregoing subjects; and informs me that I am yet to receive instructions on two other subjects, to be included in the full negotiation contemplated; viz. on the Russian Ukase of September, 1821, relating to the north-west coast of America, and on the debateable points of maritime law.

August 1. I acknowledge the receipt of all the foregoing instructions and documents, and say to the Secretary of State, that whilst I am sensible to the confidence which the being charged with the discussion and settlement of so many and such important subjects manifests in me, I feel the heavy responsibility which it creates.

August 16. On the 4th instant, I addressed a note to Mr. Canning, asking an interview on the subject of the negotiations to be proposed to his Majesty's Government, and he appointed Monday, the 11th, to receive me. When that day arrived, I had not been able, through various interruptions, to give to the whole of my instructions the careful consideration necessary to make me ready in conversation on whatever points might happen to be touched, even on first broaching the subjects to Mr. Canning. I therefore asked a postponement of the interview, and it accordingly went off until to-day, when it was held at the Foreign Office.

I proceeded to mention to him the various subjects in their order; and further told him that I was in expectation of receiving, at an early day, instructions upon two other subjects, that of the Russian Ukase, relative to the north-west coast of America; and also on certain points of maritime law, which it was deemed desirable for the two nations to discuss and settle at the same time with all the other questions.

Of the five subjects which I first enumerated, that of the boundary line, under the fifth article of the treaty of Ghent, and that of the Newfoundland Fishery, were the only ones

upon which we entered into any conversation. He spoke of them as those with which he had been least familiar hitherto, and asked an outline of them from me, which I gave him; and in the end I informed him, that I would get ready, on my part, to go into all or any of the subjects, whenever it would suit the convenience of His Majesty's Government to enter upon them, if deciding to entertain the negotiation as proposed.

He replied, that the number and importance of the subjects, added to the novelty of some of them, to him at first blush, would render some interval necessary before the time and manner of taking them all up, could be determined upon; but that I should hear from him again, as soon as he was able to give due reflection to the whole matter of my communication. He mentioned also, that he was thinking of a short excursion into the country in a few days, and, perhaps, another in September, as his share of relaxation for the season, after his late parliamentary and other fatigues. I put into his hands an informal memorandum of the different subjects, and reported to my Government what passed at this first interview.

The proper object of it over, I transiently asked him whether, notwithstanding the late

news from Spain, we might not still hope that the Spaniards would get the better of their difficulties. I here had allusion to the defection of Ballasteros in Andalusia, an event seeming to threaten with new dangers the constitutional cause in Spain. His reply was general, importing nothing more than his opinion of the increased danger with which, undoubtedly, the event I alluded to, was calculated to surround the Spanish cause. Pursuing the topic I said, that should France ultimately effect her purpose of overthrowing the constitutional Government in Spain, there was, at least, the consolation left, that Great Britain would not allow her to go farther, and stop the progress of emancipation in the colonies. By this remark, I meant to recall the sentiments promulgated in Mr. Canning's note to the British ambassador, at Paris, of the 31st of March; a note which had immediately preceded the invasion of Spain by the French army, under the Duke d'Angouleme. The purport of this note was, that England considered the course of events as having substantially decided the question of the separation of the Colonies from Spain, although the formal recognition of their independence by his Majesty's Government might be hastened or retarded by external causes, as well as by the internal condition of the Colonies

themselves; and that as England disclaimed all intention of appropriating to herself the smallest portion of the late Spanish possessions in America, she also felt satisfied that no attempt would be made by France to bring any of them under her dominion, either by conquest, or by cession from Spain. I considered this note as sufficiently distinct in its import, that England would not remain passive under any such attempt by France; and, on my intimating this sentiment, Mr. Canning asked me what I thought my Government would say to going hand in hand with England in such a policy? He did not think that concert of *action* would become necessary, fully believing that the simple fact of our two countries being known to hold the same opinions, would, by its moral effect, put down the intention on the part of France, if she entertained it. This belief was founded, he said, upon the large share of the maritime power of the world which Great Britain and the United States shared between them, and the consequent influence which the knowledge of their common policy on a question involving such important maritime interests, present and future, could not fail to produce upon the rest of the world.

I replied, that in what manner my Government would look upon such a suggestion, I

was unable to say; it was one surrounded by important considerations, and I would communicate it to my Government in the same informal manner in which he had thrown it before me. I remarked, however, that I could hardly do this to full advantage, unless he would at the same time enlighten me as to the precise situation in which England stood in relation to those new communities, and especially on the material point of acknowledging their independence.

He replied, that Great Britain certainly never again intended to lend her instrumentality or aid, whether by mediation or otherwise, towards making up the dispute between Spain and her Colonies; but that if this result could still be brought about, she would not interfere to *prevent* it. Upon my here intimating that I had supposed all idea of Spain ever recovering her authority over the Colonies, had gone by, he explained by saying, that he did not mean to controvert that opinion; for he too believed that the day had arrived when all America might be considered as lost to Europe, so far as the tie of political dependence was concerned; all that he meant was, that if Spain and the Colonies should be able, agreeing among themselves to bring the dispute, which was not yet quite over, to a close upon

terms satisfactory to both sides, and which would at the same time secure to Spain, as the parent state, commercial advantages not extended to other nations, that Great Britain would not object to a compromise in this spirit of preference to Spain. Upon my again alluding to the extreme improbability of the dispute ever settling down at this late day on such a basis, he said that it was not his intention to gainsay that position, having expressed himself as above rather for the purpose of indicating the feeling which this cabinet still had towards Spain, than of predicting results.

Wishing to be still more specifically enlightened, I asked if England was, at the present time, taking any steps, or contemplating any, which had reference to the recognition of these new communities; that being the point, on which the United States would naturally feel most interest.

He replied, that she had taken none whatever as yet, but was on the eve of taking one of a preparatory nature; which, however, would still leave her at large to recognize or not, according to the position of events at a future period. The measure contemplated was, to send out one or more individuals under authority from this Government, not regularly diplomatic, but clothed with powers in the nature of

a commission of inquiry, which he described as analogous to those exercised by our commissioners sent out to South America in 1817, in the persons of Mr. Rodney, Mr. Graham, and Mr. Bland; and that upon the result of this commission, much might depend as to the subsequent course of England. I asked whether it would comprehend all the new communities; to which he replied that it would be confined, for the present, to Mexico.

Reverting to his first idea, he again said, that he hoped France would not, even should events be favourable to her arms in the Peninsula, extend her views to Spanish America, for the purpose of reducing the Colonies, nominally indeed for Spain, but in reality to subserve ends of her own; but that if, unhappily, she did meditate such a course, he was satisfied that the knowledge that the United States would be opposed to it as well as England, could not fail to have its decisive influence in checking it. In this way good might be done, and peaceful prospects made more sure all round. As to the form in which such knowledge might be made to reach France and the other Powers of Europe, he said, in conclusion, that he thought it might probably be arranged in a manner that would be free from objection.

I again told him that I would not fail to

convey his suggestions to my Government, and impart to him whatever answer I might receive. In the course of our conversation, I expressed no opinion in favour of them, yet abstained as carefully from saying anything against them; and on this footing the conversation ended; all which was promptly reported to my Government.

July 20. On the death of Lord Londonderry, Mr. Planta, who had long enjoyed his confidence and esteem, continued his connexion with the Foreign Office, as one of the Under-Secretaries of State; Mr. Hamilton, afterwards British Minister at Naples; Lord Clanwilliam, afterwards Minister at Berlin; and Lord Francis Conyngham, having successively acted with him as co-associates in that sphere. Under the present date, I go back a few days in the month in which I re-commence my too-often disjointed narrative, for the sake of speaking of a dinner at Mr. Planta's, recollected with pleasure, probably, by others as well as myself. It was in dining with him to-day (July 20, 1823), that we had Count Lieven, the Russian Ambassador; Count Martin D'Aglie, the Sardinian Envoy; Mr. Canning, Mr. Huskisson, Mr. Robinson, Chancellor of the Exchequer,* Lord Granville, Lord George Bentinck, Lord Francis Conyng-

* The present Earl of Ripon.

ham, Mr. Charles Ellis, of the House of Commons, and Lord Howard de Walden.

It would not have been easy to assemble a company better fitted to make a dinner party agreeable, or to have brought them together at a better moment. Parliament having just risen, Mr. Canning, and his two colleagues of the cabinet, Mr. Huskisson and Mr. Robinson, seemed like birds let out of a cage. There was much small talk, some of it very sprightly. Ten o'clock arriving, with little disposition to rise from table, Mr. Canning proposed that we should play "Twenty Questions." This was new to me and the other members of the diplomatic corps present, though we had all been a good while in England. The game consisted in endeavours to find out your thoughts by asking twenty questions. The questions were to be put plainly, though in the alternative if desired; the answers to be also plain and direct. The object of your thoughts not to be an abstract idea, or any thing so occult, or scientific, or technical, as not to be supposed to enter into the knowledge of the company; but something well known to the present day, or to general history. It might be any name of renown, ancient or modern, man or woman; or any work or memorial of art well known, but not a mere event, as a

battle, for instance. These were mentioned as among the general rules of the game, serving to denote its character. It was agreed that Mr. Canning, assisted by the Chancellor of the Exchequer, who sat next to him, should put the questions; and that I, assisted by Lord Granville, who sat next to me, should give the answers. Lord Granville and myself were, consequently, to have the thought or secret in common; and it was well understood, that the discovery of it, if made, was to be the fair result of mental inference from the questions and answers, not of signs passing, or hocus pocus of any description. With these as the preliminaries, and the parties sitting face to face, on opposite sides of the table, we began the battle.

First question (by Mr. Canning).—Does what you have thought of belong to the animal or vegetable kingdom?

Answer.—To the vegetable.

Second question.—Is it manufactured, or unmanufactured?

Manufactured.

Third.—Is it a solid or a liquid?

A solid.

[How could it be a liquid, said one of the company, slyly, unless vegetable soup!]

Fourth.—Is it a thing entire in itself, or in parts?

Entire.

Fifth.—Is it for private use or public?

Public.

Sixth.—Does it exist in England, or out of it?

In England.

Seventh.—Is it single, or are there others of the same kind?

Single.

Eighth.—Is it historical, or only existent at present?

Both.

Ninth.—For ornament or use?

Both.

Tenth.—Has it any connexion with the person of the King?

No.

Eleventh.—Is it carried, or does it support itself?

The former.

Twelfth.—Does it pass by succession?

[Neither Lord Granville nor myself being quite certain on this point, the question was not answered; but, as it was thought that the very hesitation to answer might serve to shed light upon the secret, it was agreed that the

question should be counted as one, in the progress of the game.]

Thirteenth.—Was it used at the coronation?

Yes.

Fourteenth.—In the Hall or Abbey?

Probably in both: certainly in the Hall.

Fifteenth.—Does it belong specially to the ceremony of the coronation, or is it used at other times?

It is used at other times.

Sixteenth.—Is it exclusively of a vegetable nature, or is it not, in some parts, a compound of a vegetable and a mineral?

Exclusively of a vegetable nature.

Seventeenth.—What is its shape?

[This question was objected to as too particular; and the company inclining to think so, it was withdrawn; but Mr. Canning saying it would be hard upon him to count it, as it was withdrawn; the decision was in his favour on that point, and it was not counted.]

Seventeenth (repeated).—Is it decorated, or simple?

[We made a stand against this question also, as too particular; but the company not inclining to sustain us this time, I had to answer it, and said that it was simple.]

Eighteenth. Is it used in the ordinary

ceremonial of the House of Commons, or House of Lords?

No.

Nineteenth. Is it ever used by either House?

No.

Twentieth. Is it generally stationary or movable?

Movable.

The whole number of questions being now exhausted, there was a dead pause. The interest had gone on increasing as the game advanced, until, coming to the last question, it grew to be like neck-and-neck at the close of a race. Mr. Canning was evidently under concern lest he should be foiled, as by the law of the game he would have been, if he had not now solved the enigma. He sat silent for a minute or two; then, rolling his rich eye about, and with a countenance a little anxious, and in an accent by no means over-confident, he exclaimed, "I think it must be the wand of the Lord High-Steward!" And it was—EVEN SO.

This wand is a long, plain, white staff, not much thicker than your middle finger, and, as such, justifies all the answers given.

In answering the ninth question, Lord Granville and I, who conferred together in a whisper as to all answers not at once obvious,

remembered that some quaint old English writers say that the Lord High-Steward carried his *staff* to beat off intruders from his Majesty's treasury! When at the twelfth, Mr. Canning illustrated the nature of his question by referring to the *rod of the Lord Chamberlain*, which he said did not pass by succession, each new incumbent procuring, as he supposed, a new one for himself, I said that it was not the Lord Chamberlain's rod; but the very mention of this was "*burning*," as children say when they play hide-and-seek; and in answering that it was not, I had to take care of my emphasis.

The questions were not put in the rapid manner in which they will be read; but sometimes after considerable intervals, not of silence —for they were enlivened by occasional remarks thrown in by the company, all of whom grew intent upon the pastime as it advanced, though Mr. Canning alone put the questions, and I alone gave out the answers. It lasted upwards of an hour, the wine ceasing to go round. On Mr. Canning's success, for it was touch-and-go with him, there was a burst of approbation, we of the diplomatic corps saying, that we must be very careful not to let him ask us too many questions at the Foreign Office, lest he should find out every secret that we had!

The number of the questions and latitude allowed in putting them, added to the restrictions imposed upon the selection of the secret, leave to the person putting them a less difficult task than might, at first, be imagined; and accordingly, such of the company as had witnessed the pastime before, said, that the discovery took place, for the most part, by the time the questions were half gone through—sometimes sooner; and that they had never known it protracted to the twentieth until this occasion. It is obvious that each successive question, with its answer, goes on narrowing the ground of defence, until at last the assailant drives his antagonist into a corner, almost forcing a surrender of the secret. Nevertheless, this presupposes skill in putting the questions; and he who consents to take that part in the game, must know what he can do. It was not until twelve o'clock that we all rose from table, and went up stairs to coffee. So it is that these Ministers of State relax; and it was a spectacle not without interest to see such men as Canning, Huskisson, and Robinson, giving themselves up to this kind of recreation as a contrast in the first, to his anxious labours in the whole field of foreign affairs; in the second, to his speeches on the sugar question, the warehousing system, and on alterations in

the tariff; and in the third, to his endless mass of financial questions, during a long and toilsome session of Parliament just ended.*

Dining at the Marquis of Stafford's at a subsequent day, this pastime was spoken of; and it was mentioned that Mr. Pitt and Mr. Windham were both fond of it. Lord Stafford said, that the former had once succeeded in it, when the secret was the *stone* upon which Walworth, Lord Mayor of London, stood when he struck down Wat Tyler, in Richard the Second's time; and his impression was, that Mr. Pitt had triumphed at an early stage of his questions.

* An account of this game appeared in print in 1840.

CHAPTER XXII.

TWO COMMUNICATIONS FROM MR. CANNING, ON SPANISH-AMERICAN AFFAIRS.—STEPS TAKEN UNDER THEM.—FURTHER INSTRUCTIONS ON THE PROPOSED NEGOTIATION.—THIRD COMMUNICATION FROM MR. CANNING, ON SPANISH-AMERICAN AFFAIRS.

August 22. This day brought me an important note from Mr. Canning, dated the twentieth instant, Foreign Office. He informs me, that before leaving town he is desirous of bringing before me in a more distinct, but still in an unofficial and confidential shape, the question opened and shortly discussed between us on the sixteenth instant.

He asks if the moment has not arrived when our two Governments might understand each other as to the Spanish-American Colonies; and if so, whether it would not be expedient for ourselves, and beneficial for all the world, that our principles in regard to them should be clearly settled and avowed. That as to England she hadno disguise on the subject.

1. She conceived the recovery of the Colonies by Spain, to be hopeless.

2. That the question of their recognition as independent states, was one of time and circumstances.

3. That England was not disposed, however, to throw any impediment in the way of an arrangement between the Colonies and mother country, by amicable negotiation.

4. That she aimed at the possession of no portion of the Colonies for herself.

5. That she could not see the transfer of any portion of them to any other power, with indifference.

That if the United States acceded to such views, a declaration to that effect on their part concurrently with England, would be the most effectual, and least offensive mode of making known their joint disapprobation of contrary projects; that it would at the same time put an end to all the jealousies of Spain, with respect to her remaining colonies; and to the agitation prevailing in the Colonies themselves, by showing that England and the United States were determined not to profit by encouraging it. And I am asked, in conclusion, whether I consider that the full power which I had lately received from my Government, would authorize me to enter into

negotiation to sign a convention on the above subject; and if not, if I could exchange with him, as the organ of the British Government, ministerial notes in relation to it.

Such was the purport of his communication. It was framed in a spirit of great cordiality, and expressed an opinion, that seldom perhaps at any time among nations, had an opportunity occurred when so small an effort of two friendly Governments might produce so unequivocal a good, and prevent such extensive calamities.

August 23. I replied to Mr. Canning's note to the following effect: I said, that the Government of the United States having, in the most formal manner, acknowledged the independence of the late Spanish provinces in America, desired to see it maintained with stability, and under auspices that might promise happiness to the new states themselves, as well as advantage to the rest of the world; and that, as conducing to those great ends, my Government had long desired, and still anxiously desired, to see them received into the family of nations by the powers of Europe, and especially by Great Britain.

That in other respects, I believed the sentiments unfolded in his note were shared by the United States; because, first, we considered

the recovery of the Colonies by Spain to be entirely hopeless. 2. We would throw no impediment in the way of an arrangement between them and the mother country by amicable negotiation, supposing an arrangement of such a nature to be possible. 3. We did not aim at the possession of any of those communities for ourselves. 4th, and last, we should regard as highly unjust, and fruitful of disastrous consequences, any attempt on the part of any European Power, to take possession of them by conquest, by cession, or on any other ground or pretext.

But I added, that in what manner my Government might deem it most expedient to avow these principles, or express its disapprobation of the exceptionable projects alluded to, were points on which all my instructions were silent, as well as the power I had lately received to enter upon negotiations with His Majesty's Government; but that I would promptly make known to the President the opinions and views of which he had made me the depositary, and that I was of nothing more sure than that he would fully appreciate their importance, and not less the frank and friendly feelings towards the United States which their communication to me bespoke.

I immediately transmitted to my Government a copy of the foregoing correspondence in the following despatch to the Secretary of State; preparing it in quadruplicate, with a request to the Consul at Liverpool to send them off by the earliest ships for New York, or other ports of the United States.

"London, August 23, 1823.

"SIR,—I yesterday received from Mr. Canning, a note headed 'private and confidential,' setting before me in a more distinct form, the proposition respecting South American affairs which he communicated to me in conversation on the 16th instant, as already reported in my despatch, number 323. I lose no time in transmitting a copy of his note, as well as a copy of my answer, written and sent to-day.

"In framing the answer on my own judgment alone, I feel that I have had a task of some embarrassment, and shall be happy if it receive the President's approbation.

"I believe that this Government has the subject of Mr. Canning's proposition much at heart, and certainly his note bears upon the face of it a character of earnestness, as well as cordiality, towards the Government of the United States, which cannot escape notice.

"I have therefore thought it proper to meet

this spirit, as far as I could consistently with other and paramount considerations.

"These I conceived to be chiefly twofold: first, the danger of pledging my Government to any measure of foreign policy which might, in any degree, now or hereafter, implicate it in the federative system of Europe; and secondly, I have felt myself alike without warrant to take a step which might prove exceptionable in the eyes of France, with whom our pacific and friendly relations remain, I presume, undisturbed, whatever may be our speculative abhorrence of her attack upon the right of self-government in Spain.

"In framing my answer, I had also to consider what was due to Spain herself; and I hope that I have not overlooked what was due to the Colonies.

"The whole subject is novel, and open to views on which I have deliberated anxiously. If my answer shall be thought, on the whole, to bear properly on all the public considerations which belong most materially to the occasion, it will be a source of great satisfaction to me.

"The tone of earnestness in Mr. Canning's note, naturally starts the inference that the British Cabinet cannot be without its serious apprehensions, that ambitious enterprises are meditated against the Independence of the

new Spanish-American States, whether by France alone, or in conjunction with the continental powers, I cannot now say on any authentic grounds.

I have the honour to remain, with very great respect, your obedient Servant,

RICHARD RUSH.

The Honourable JOHN QUINCY ADAMS,
Secretary of State.

August 26. To-day brings me a second confidential communication from Mr. Canning, of the following tenor, dated Liverpool, the 23d instant. He says, that since he wrote to me on the 20th, an additional motive had occurred for wishing that we might come to some understanding, promptly, on the Spanish American question, and be at liberty to announce it to the world. The motive was, that England had received notice, though not such as imposed the necessity of instant action, that, as soon as the military objects in Spain were achieved, which France expected (how justly, he could not determine) to achieve very speedily, a proposal would be made for a congress in Europe, or some other concert and consultation, specifically on the affairs of Spanish America; and he adds, that he need not point out to me the complications to which such a proposal, however dealt with by England, might lead.

August 27. I reply to Mr. Canning's second communication by saying, that, in my note to him of the 23d, (not received when his second was written,) two principal ideas had place.

1. That the United States desired to see the Independence of the late Spanish Provinces in America, permanently maintained.

2. That they would view as unjust and improper, any attempt on the part of the Powers of Europe to intrench upon that Independence.

And, in my note of to-day, I said, that my Government, I was sure, would regard as alike objectionable, any interference whatever in the affairs of Spanish America, unsolicited by the late Provinces themselves, and against their will; that it would regard the convening of a Congress to deliberate upon their affairs, as a measure uncalled for, and indicative of a policy highly unfriendly to the tranquillity of the world; that it could never look with insensibility upon such an exercise of European jurisdiction over communities now of right exempt from it, and entitled to regulate their own concerns unmolested from abroad. I further said, that if he supposed any of these sentiments, or those expressed in my first note, might be moulded by me into a form promising to accomplish the object he proposed, I would be happy to receive and take into consideration

whatever suggestions he would favour me with to that end, either in writing, or in the full and unreserved intercourse of conversation, when he returned to town. Lastly, I said that, could England see fit to consider the time as now arrived for fully acknowledging the Independence of the new communities, I believed, that not only would it accelerate the steps of my Government, but that it would naturally place me in a new position in my further course with him on the whole subject.

I immediately transmitted copies of these notes to my Government, in the following despatch to the Secretary of State, to go with like promptitude as the former.

"London, August 28, 1823.

"SIR,—Since my last despatch, I have received a second confidential note from Mr. Canning, dated at Liverpool, the twenty-third instant, a copy of which, and of my answer dated yesterday, are enclosed. The subject of our correspondence being, as it appears to me, of deep interest, I think proper to apprize you of it from step to step, without waiting for the further developments to which it may lead.

"Mr. Canning having now distinctly informed me that he has received notice of measures being in projection by the Powers of Europe,

relative to the affairs of Spanish America, as soon as the French succeed in their military movements against Spain, which it would seem from Mr. Canning's note they expect to do soon, I cannot avoid seeing the subject under the complications to which he alludes.

"My first object will be, to urge upon this Government the expediency of an immediate and unreserved recognition of the independence of the Spanish-American States.

"It will be seen by my note of yesterday to Mr. Canning, that I have made a beginning in this work; and should the opportunity be afforded me, it is my intention to follow it up zealously.

"Should I be asked by Mr. Canning, whether, in case the recognition be made by Great Britain without more delay, I am, on my part, prepared to make a declaration in the name of my Government, that it will not remain inactive under an attack upon the independence of those States by the Holy Alliance, the present determination of my judgment is, that I *will* make such a declaration explicitly, and avow it before the world.

"I am not unaware of the responsibility which I should, by such a measure, assume upon myself; but my reasons would be these:—

"1. I may thereby aid in achieving an im-

mediate and positive good to those rising States in our hemisphere; for such I should conceive their recognition by Great Britain at this juncture to be.

"2. Such recognition, co-operating with the declaration which this Government has already in effect made, that it will not remain passive if Spanish America is attacked, and followed up by a similar declaration, from me, that neither will the United States, would prove at least a probable means of warding off the attack. The Foreign Secretary of England, it appears, is under a strong belief that it would; and this without the recognition by England being, as yet, a part of his case.

"3. Should the issue of things be different, and events, notwithstanding, arise, threatening the peace of the United States, or otherwise seriously to affect their interests in any way, in consequence of such a declaration by me, it would still remain for the wisdom of my Government to disavow my conduct, as it would manifestly have been without its previous warrant. I would take to myself all the reproach, consoled under the desire that had animated me to render benefits of great magnitude to the cause of Spanish American independence, at a point of time which, if lost, was not to be recalled.

"4. My conduct might be disavowed in any issue of the transaction, and I should still not be without hope that the President would see in it proofs of good intention, mixed with zeal for the advancement of political interests, not indifferent, ultimately, to the welfare of the United States themselves.

"The result of my reasoning, in a word, then, is, that I find myself placed suddenly in a situation in which, by deciding and acting promptly, I may do much public good; whilst public mischief may be arrested by the controlling hand of my Government, should my conduct be likely to draw down any mischief.

"I conclude with the usual assurances of great respect with which I have the honour to be your obedient servant,

"RICHARD RUSH.

"The Honourable JOHN QUINCY ADAMS,
Secretary of State."

August 30. I have received, and this day acknowledge, the Secretary of State's despatch, number 70, of the 2d of July, relative to the North-west coast of America; his number 71, of the 28th of July, relative to maritime questions, and principles of maritime and commercial neutrality; and his number 72, of the 29th of July, embracing some general re-

flecti ons upon the extent and importance of the whole negotiation committed to my hands.

I remark, that having now before me all his instructions, I am fully sensible of the magnitude of the subjects to be treated of; "of the complicated character"—here using some of the Secretary's own words—" of the considerations involved in most of them, and of their momentous bearings, in present and future ages, upon the interests, the welfare, and the honour of the United States." I add the expression anew of the deep sense which I entertain of the President's confidence in committing to my hands negotiations so extensive.

The Secretary, in his number 72, also mentions, that Mr. Stratford Canning, at the period of its date, was at New York, on the eve of his return to England; and that whilst exercising his mission in Washington, he had shown in all his official relations with our government a "very high sense of honour, and connected with it a quality inestimable in a statesman—a conscious sense of moral obligation;" and that his conduct during his residence had "been in all the social relations, exemplary." I am requested to mention these sentiments to this Government.

September 1. In writing to the Secretary of State on the importance of the contemplated

negotiations, and of the labour of investigation as well as extent of responsibility which it will devolve upon me, I express a wish that the President would be pleased to assign me a colleague. I add, that to associate a colleague with me, would conform to the past practice of our Government, which had always been, on occasions of difficult and complicated negotiations, to employ more than one negotiator; more especially, when the European Power employed more than one.

September 7. I receive another communication from Mr. Canning, dated Storrs, Westmoreland, the 31st of August. He acknowledges the receipt of both my letters in answer to both of his, and says, that whatever may be the practical result of the correspondence between us, it is very satisfactory to him to find that the spirit in which it began on his part, had been met so cordially on my part.

He goes on to say, in effect, that but for my want of specific powers to go forward in the proposition he made, he would have taken measures to give it operation on the part of England; but that, through the delay which must intervene before I could receive new powers from home, events might get before us; and that therefore he could not justify it to his duty to his own Government, and to all the

other considerations belonging to the subject, to pledge England to wait for such a contingency—for which he assigns his reasons with frankness. He concludes by saying, that if I should see enough hope of good in his proposition to warrant me in asking powers and instructions in relation to it, in addition to all the other heads on which I had recently been empowered and instructed, I must then consider it *not* as a proposition already made, but as evidence of the nature of one which it would have been his desire *to make*, had he found me provided with authority to entertain it; this view of the subject now becoming necessary, that England may remain untrammelled in the meantime.

I transmitted this last communication to my Government on the day following, saying to the Secretary of State, that although it appeared from it, that Mr. Canning was not prepared to pledge this Government to an immediate recognition of the Independence of the new States, I should, nevertheless, renew a proposition to that effect when we met; but that should he continue to draw back from it, I should decline acting upon the overtures contained in his first note, not feeling at liberty to accede to them in the name of the United States, but upon the

basis of an equivalent; and that, as I viewed the subject, this equivalent could be nothing less than the immediate and full acknowledgment of those states, or some of them, by Great Britain.

September 10. Take steps to apprise the deputies of Spanish America in London, of the hostile views of France and the continental Powers, should the arms of the former succeed in Spain. I make no mention of Mr. Canning's name, or any allusion to it, as the source of my information, which information, although it may not be new to these deputies, I impart to put them still more on their guard.

September 12. Take further steps to warn the deputies of the plans of France and the allies, withholding altogether, as before, the source of my information, but letting it be understood that the information is not to be slighted.

September 15. Write to President Monroe, and in continuation of the Spanish American subject say, that Mr. Canning being still out of town, I was giving myself up to investigations which might the better prepare me for taking in hand the various subjects which his confidence had devolved upon me, to discuss and arrange with this Government;

that on Mr. Canning's return, I should expect to be invited to an interview, and doubted not but that the whole topic of Spanish American affairs would be resumed between us. That it was still my intention to urge upon him the immediate recognition of the new States by Great Britain, as the only footing upon which I could feel warranted in acceding to the proposal he had made to me; that otherwise our two countries would not stand upon equal ground in going into the measure proposed, we having already acknowledged the new States, but that I would continue to receive, in the most conciliatory manner, new overtures from him, should he meditate any new ones; for that my most careful observation in England during my residence, had impressed me with the belief, that the present administration, with Lord Liverpool still at its head, was as favourably disposed towards us as any that could be formed.

CHAPTER XXIII.

FULL INTERVIEW WITH MR. CANNING, ON SPANISH-AMERICAN AFFAIRS, AND REPORT OF WHAT PASSED.—FURTHER INTERVIEW ON THE SAME SUBJECT; AND ON THAT OF THE NEGOTIATION, TO THE OPENING OF WHICH ENGLAND ACCEDES.—MR. HUSKISSON AND MR. STRATFORD CANNING, TO BE THE BRITISH NEGOTIATORS.—RENEWED INTERVIEW WITH MR. CANNING, ON THE AFFAIRS OF SPANISH AMERICA, AND REPORT OF WHAT PASSED.

September 18. Had a full conference with Mr. Canning, at the Foreign Office, in which the subject of Spanish-American affairs was resumed, and the discussion of it gone into at large.

September 19. I reported in the following despatch to the Secretary of State, all that passed in my interview with Mr. Canning, yesterday; relying only upon the substantial fidelity of the report, as it must needs fall short of what is due to Mr. Canning in language, though I endeavoured to recall his own words, as far as I could.

No. 331. " London, September 19, 1823.

" Sir,—Mr. Canning returned to town about a week ago, and I had an interview with him at the Foreign Office, yesterday, at his request.

" He entered at once upon the subject of Spanish America, remarking, that he thought it claimed precedence over all others between us, at the present juncture. Military events in the Peninsula seemed every day to be drawing nearer to a crisis in favour of the French arms, and the political arrangements projected afterwards, would, there was good reason to suppose, be immediately directed to the affairs of the late Colonies. He would therefore not give up the hope, notwithstanding the footing upon which this subject appeared to be placed at the close of our recent correspondence, that I might yet see my way towards a substantial acquiescence in his proposals. They were hourly assuming new importance and urgency, under aspects to which neither of our Governments could be insensible.

" Having perceived, since we had been last together, the publication in the newspapers of the correspondence of a portion of the merchants of London, and the Foreign Office, respecting the appointment of consuls, or commercial agents, for the Spanish-American States, I asked Mr. Canning whether I was to infer that

this Government was about to adopt such a measure; to which he replied in the affirmative, saying that commercial agents would certainly be soon appointed, and sent out to the proper ports in those new communities.

"As to the proposals he had submitted to me, I said, that I was sure he would himself appreciate the delicacy and novelty of the ground upon which I stood. The United States, it was true, would view any attempt on the part of France, and the continental Alliance, to re-subjugate those new States, as a transcendent act of national injustice, and indicative of progressive and alarming ambition; yet, to join Great Britain in a declaration to this effect, might lay them open in some respects to consequences, upon the character and extent of which it became my duty to reflect, with great caution, before making up my mind to meet the responsibilities of them. The value of my declaration, it was agreed, would depend upon its being formally made known to Europe. Would not such a step wear the appearance of the United States implicating themselves in the political connexions of Europe? Would it not be acceding, in this instance, at least, to the policy of one of the Great European Powers, in opposition to the projects avowed by others of the first rank? This, hitherto, had been

no part of the system of the United States; the very reverse of it had been acted upon. Their foreign policy had been essentially bottomed on the great maxim of preserving peace and harmony with all nations, without offending any, or forming entangling alliances with any. Upon the institutions, as upon the dissensions, of the European Powers, the Government and people of the United States might form, and even express, their speculative opinions; but it had been no part of their past conduct to interfere with the one, or, being unmolested themselves, to become parties to the other. In this broad principle, laid one of my difficulties under his proposals.

"He replied, that however just such a policy might have been formerly, or might continue to be as a general policy, he apprehended that powerful and controlling circumstances made it inapplicable upon the present occasion. The question was a new and complicated one in modern affairs. It was also full as much American as European, to say no more. It concerned the United States under aspects and interests as immediate and commanding, as it did or could any of the States of Europe. They were the first Power established on that continent, and now confessedly the leading Power. They were connected with Spanish

America by their position, as with Europe by their relations; and they also stood connected with these new States by political relations. Was it possible that they could see with indifference their fate decided upon by Europe? Could Europe expect this indifference? Had not a new epoch arrived in the relative position of the United States towards Europe, which Europe must acknowledge? Were the great political and commercial interests which hung upon the destinies of the new continent, to be canvassed and adjusted in this hemisphere, without the co-operation or even knowledge of the United States? Were they to be canvassed and adjusted, he would even add, without some proper understanding between the United States and Great Britain, as the two chief commercial and maritime States of both worlds? He hoped not, he would wish to persuade himself not. Such was the tenor of his remarks.

"I said that his suggestions were entitled to great consideration, and that such, and others of the same nature, would probably not escape the attention of my Government, as they had not him. There might, I was aware, be room for thinking that the late formation of these new states in our hemisphere would impose new political duties upon the United States, not merely as coupled with the great cause of

national freedom, but as closely connected also with their own present and future interests, and even the very existence, finally, of their own institutions. That for myself, speaking only as an individual, I could well conceive that the interposition of an authoritative voice by the United States in favour of these new communities, admitting that the powers of Europe usurped a claim to control their destinies, would imply no real departure from the principles which had hitherto regulated their foreign intercourse, or pledge them henceforth to the political connexions of the old world. If, too, that voice happened to be in unison with the voice of Great Britain, I admitted that it might prove but the more auspicious to the common object which both nations had in view, without committing either to any systematic or ulterior concert; but, I added, that as the question of the United States expressing this voice, and promulgating it under official authority to the powers of Europe, was one of entire novelty as well as great magnitude in their history, it was for my Government and not me to decide upon its propriety. Concomitant duties and consequences of a momentous nature might be bound up in such a step. I was willing to take upon myself all fair responsibility attaching to the station which I

held; but here was a conjuncture wholly new. It presented a case not seeming to fall within the range of any of the contingent or discretionary duties which could have been in contemplation when I was clothed with my commission as minister to this court. For meeting a case thus extraordinary, if I could do so at all, I ought to have some justification beyond any that had yet been laid before me. Such was my opinion; such the conclusion to which I had been forced to come on full deliberation.

"He said, that the case being new might serve to account for my not being in possession of previous or specific powers bearing upon it, but that its very nature precluded delay. He had the strongest reasons for believing that the co-operation of the United States with England, through my instrumentality, afforded with promptitude, would ward off altogether the meditated jurisdiction of the European powers over the new world. Could higher motives exist to co-operation, and immediately? Let it be delayed until I could receive specific powers, and the day might go by; the progress of events was rapid; the public evil might happen. A portion of it might, and probably would, be consummated; and even admitting that Great Britain could, by herself, afterwards arrest it, as he believed she could, preventive

measures among nations were always preferable, whether on the score of humanity or policy, to those that were remedial. Why then should the United States, whose institutions resembled those of Great Britain more than they did those of the other powers in Europe, and whose policy upon this occasion was closely approximated to hers, hesitate to act with her to promote a common object approved alike by both, and achieve a common good estimated alike by both? Such was the drift of his remarks, which he amplified and enforced with his wonted ability. He finished by saying, that his station and duties, as the organ of this Government, would oblige him to call upon me in another way, if I continued to feel unable to assent to his past proposals; "for," said he, "if a congress be, in fact, assembled on the affairs of Spanish America, I shall ask that you, as the representative of the United States at this Court, be invited to attend it; and if you should not be invited, I shall reserve to myself the option of determining whether or not Great Britain will send a representative to it." After a moment's pause, he added, "Should you be invited, and refuse to go, I shall still reserve to myself the same option; so you see how essential it is, in the opinion of Great Britain, that the United

States should not be left out of view, if Europe should determine to take cognizance of the subject." Words so remarkable could not fail to make a distinct impression upon me, and I give them as they fell from him, as nearly as I can.

"The complication of the subject," said I, "may be cured at once, and by Great Britain. Let Great Britain immediately and unequivocally *acknowledge the independence of the new States*. This will put an end to all difficulty; the moment is auspicious; every thing invites to the measure; justice, expediency, humanity, the repose of the world, the cause of national independence, the prosperity and happiness of both hemispheres; let Britain but adopt this measure, so just in itself, so recommended by the point of time before us, and the cause of all Spanish America triumphs; the European Congress might meet *afterwards*, if it chose to take so harmless a step."

He said, that such a measure was open to objection; but asked if he was to understand that it would make any difference in my powers or conduct?

I replied, the greatest difference. I had frankly informed him that I had no powers to consent to his proposals in the shape in which they had first been presented to me in his

note, and I would as frankly say, that I had no *specific* powers to consent to them, coupled with the fact of this Government acknowledging the independence of the new States; but that great step being taken, I would stand upon my general powers as Minister Plenipotentiary. Into these, other nations would have no claim to look. I would be the interpreter of them myself. I had no hesitation in saying, that, under this general warrant, I would put forth, with Great Britain, the declaration to which he had invited me; that I would do so in the name of my Government, and consent to its formal promulgation to the world under all the sanctions, and with all the present validity, that I could impart to it. I had examined all my instructions for years past, bearing, either directly or remotely, on the great cause of these new States; I saw in them all so steady and strong a desire for the firm establishment of their freedom and independence; I saw too, sometimes in their letter, and always in their spirit, so concurrent a desire to see their independence acknowledged *by Great Britain*, as I had often made known to Lord Castlereagh, that I would not scruple, on seeing that important event come about, to lend my official name to the course proposed, and count upon my Government stamping with its subsequent

approval the part which I had acted. No other authority would be likely in the mean time to draw into question what I did; and if I could thus be instrumental in any degree towards accelerating the acknowledgment of Spanish-American independence, I should feel that I had achieved a positive and great good. Upon British recognition hung, not indeed the final, but perhaps in an eminent degree the *present* tranquillity and happiness of those States. Their final safety was not, as I believed, at the mercy of European dictation; but we could not disguise from ourselves, that it might prolong their sufferings, and cast fresh clouds over their prospects. It was in this manner that I expressed myself; imparting to him with entire candour, my feelings and determinations; as well as the precise ground upon which the step I was called upon to take, ought to rest, and would place me.

He said that among the objections to recognizing, at present, was still that of the uncertain condition, internally, of these new States; or at any rate of some of them. He had, for example, sent an agent in January last to Mexico, supposing that Iturbide was at the head of affairs; but by the time he had arrived, a fresh revolution had set up other representatives of the executive authority. The same

internal vicissitudes were to be remarked in other of these communities, more to the South.

Another objection he said was started by the circumstances of the Colombian loan, which had created uneasiness in portions of the stock-market of London for a twelve-month past. It was true, that, as this subject actually stood, the British Government owed no obligation to those British subjects who had embarked their money in an adventure, of the safety of which they had themselves chosen to be the judges. But suppose the recognition to have been made by Great Britain some time ago, as was wished, and the loan to have followed, would not the duty of countenance and protection have attached, and might not this serve to pourtray the hazards of coming too hastily into political relations with new and distant States, whose credit, or whose resources, in their transactions with the subjects of other nations did not as yet appear to rest on any stable or adequate foundation?

As regarded the latter topic I replied, that it was beyond my competence to disentangle all its details. All that I could say was, that the Government of Colombia, as far as I was informed, had fallen into no departure from good faith in the transaction, and it yet remained to be known, whether that Government

would not, in the end, give satisfaction to all the parties concerned. But, far from an obstacle to recognition, it appeared to me that the incident in question fairly led to opposite conclusions; for, if Colombia, at the period of contracting the loan, had been admitted to regular relations with this Government, it is to be presumed that the powers of her diplomatic agents would have been open to other examinations than they appear to have received, and the whole transaction thus have been freed from the subsequent embarrassments which surrounded it.

As to internal vicissitudes I remarked, that the dilemma thence arising, was not greater than had been witnessed in France during a period of more than twenty years, while her revolution was in progress; than had been seen in Naples more recently, or than was experienced, at the present time, by Great Britain in her diplomatic intercourse with both Portugal and Spain. Had we not seen revolutions and counter-revolutions, royal governments, constitutional governments, and regency governments, succeeding each other, almost day by day, in the oldest countries of Europe? Why then be surprised at changes in the new world? These very changes would be likely to be largely, if not entirely, checked, by the fact of the new

States being recognized by Britain. It would tend to give stability to their institutions; and, by breaking down the hopes of the discontented and factious among themselves, become guarantees for their greater internal tranquillity. They had given ample proofs both of military power and political wisdom. Look at Buenos Ayres, which as long back as 1807, could repulse the well appointed legions of even Britain herself. Look at Colombia, who was now laying the groundwork of a confederacy for all Spanish America, and at the same time marching her auxiliary forces into Peru, to uphold the cause of emancipation upon that shore. Everything attested the stability of that cause. Spain might go on with her languid efforts, and protract the miseries of war; but over Spanish-American independence, she had no longer any control. Europe had no control over it. It was a question for ever settled. It would soon be seen by Britain that the United States, in their proposals for adjusting with Russia, and with Britain, the respective pretensions of the three Powers on the coast of the Pacific, were forced to take for granted the independence of all the late colonies of Spain on that continent, as the inevitable basis of all just and practical negotiation. Their independence was, in fine, the new political element of modern times, and

must henceforth pervade the political arrangements of both worlds. Why then should Britain longer forbear to acknowledge this independence? She had already done so in effect, and why should she not in form? She had already, by her solemn statutes, made her trade with those new States lawful; she had stood ready to support it with her squadrons; she was on the eve of sending out commercial agents to reside in some or all of them, as the guardians of British interests—all this she had done and more. She had declared in her state papers, that the question of their independence was *substantially* decided, though the formal recognition of it might be retarded, or hastened, by external circumstances. What external circumstances could be imagined more imperious for hastening this formal recognition, than those now existing; when Spain was seen to be wholly incapacitated from regaining dominion over them, and continental Europe meditating such unwarrantable designs upon them?

"It was thus that I endeavoured to unfold what I suppose to be the views and convictions of the President upon this important subject. Our conversation was a prolonged one, and characterized by the freedom with which I have reported it; in doing which I have sedulously aimed at faithfully presenting all its material

points. I do not flatter myself with any sanguine belief that this Government will be prepared to yield to my appeals in favour of immediate recognition; but I am to have another interview with Mr. Canning on a day that he is yet to name, and I can only say that I will be prepared to renew and extend them as opportunities may be afforded me.

"Not knowing what other topics might rise up during our interview, I had carried several of my papers with me, and amongst them a copy of your despatch, No. 71. I was glad that I did so; for, thinking that the sentiments which it so forcibly expresses on the value of the existing and prospective concord between our two countries would be acceptable; I did not scruple, in unison with the spirit of our conversation, to read to him, before we separated, its introductory pages. He was struck with their applicability, and I hope that so opportune an exhibition to him of such sentiments recently coming to me from the high source of my Government, may not be without its value.

"Should a Congress be assembled to crush Spanish-American independence, and I receive an invitation to attend it, I shall not go; though the time for me to say so here, will not arrive until the invitation comes. First, I should have no warrant from the President to attend it; and

next, I infer from what Mr. Canning said on this point, that England may, perhaps, not incline to send a representative to it, should the United States have none. I should in this manner do more good by my absence, than my presence could effect. Mr. Canning, as it appeared, was not entirely aware, until yesterday, that I was prepared to come fully into his views, if this Government would immediately acknowledge the new States. I had intended that the concluding sentence of my note to him of the 27th of August, already transmitted to you, should start the idea to his mind; though I abstained from putting it forth more openly at that period of our correspondence.

"I have the honour to remain, with very great respect, your obedient Servant,

"RICHARD RUSH.

"The Honourable JOHN QUINCY ADAMS,
Secretary of State."

September 26. Had another interview with Mr. Canning at Gloucester Lodge, at his request. The subject of our discussions on the 18th instant, was renewed. He informed me of a despatch he had received from Sir Charles Stuart, British Ambassador at Paris, which had a bearing upon them. It mentioned a conversation he had held with Mr. Sheldon, Chargé d'Affaires of the United States at Paris, the

purport of which was, that Sir Charles having mentioned to Mr. Sheldon the projects of France and the Continental Alliance, against Spanish America, the latter replied, that the Government of the United States was aware of them, and disapproved of them. Mr. Canning, inferring that this reply of our Chargé d'Affaires in Paris, probably rested upon some new instructions to him from Washington, also inferred, that, if so, it might probably lend its aid towards my consent to his proposals to me of the 20th of August. He was the rather induced to give way to this hope, he said, as the despatch of Sir Charles Stuart was written altogether on his own motion, without any previous communication received from him, Mr. Canning, upon the subject.

I replied that I could not undertake to say, with any confidence, what instructions might have been sent to the United States Legation at Paris on this subject; but that I scarcely believed that any could have reached it, not common to me; and that I was still without any, beyond the general instructions I had unfolded to him in our interview on the 18th; but that upon their basis, I was still willing to go forward with him in his proposals, upon the terms I had made known.

He now declared that England felt great em-

barrassment as regarded the immediate recognition of these new States; embarrassments which, he admitted, had not existed in the case of the United States when they adopted the measure of acknowledging them; and then he asked, whether I could not give my assent to his proposals on a promise by England of *future* acknowledgment.

I replied, that under the peculiar importance of the whole subject, and considering the relation in which I stood to it, I could not feel at liberty to take the step upon any other footing than that of immediate acknowledgment by England. Further conversation passed, though only of a desultory nature, and the interview ended.

In reporting to my government what passed at it, I remarked, that although Mr. Canning naturally sought ends for England in his proposals to me, yet as they were at the same time auspicious to Spanish-American independence, and went hand-in-hand with our policy, I could not do otherwise than approve of them; and would therefore continue my willingness to give them effect, if he would come to the ground I had proposed to him as an equivalent; a ground, however, which it would seem, from what last passed between us, he will not be willing to accede to at present.

October 8. Had an interview with Mr. Canning at the Foreign Office at his request, on the business of the general negotiation.

From the memorandum which I had left with him on the 16th of August, he proceeded to read over in their order the subjects proposed to be brought into the negotiation, and after making a few remarks upon each, he professed it to be his desire to take them all up, except, perhaps, the subject of maritime rights. Questions under this head, it was rather the present desire of his Majesty's Government to leave untouched, though he did not mean as yet to give a decided opinion to that effect.

For conducting the negotiation on the side of Great Britain, he informed me, that Mr. Huskisson, and Mr. Stratford Canning, would be appointed, the latter having got back to England from his mission to Washington; and that all the subjects would be committed to their hands, except that of the slave-trade. This, he intimated it to be his wish to take in hand himself, and thus keep it detached from the general negotiation. I replied, that I understood it to be rather the desire of my own Government that all the subjects should, if possible, be discussed and settled together; but as he continued to intimate a wish to separate this one subject from the rest, I did

not deem it expedient or proper to object, as the result, if we accomplished any thing, would be substantially the same.

He then said that the negotiation might commence the latter end of next month, if I would be ready by that time; remarking, that the great variety of the subjects to be considered, added to other calls upon his own time as well as Mr. Huskisson's, prevented the assignment of an earlier day for its commencement. I replied, that I would be ready on my part at that time, though would prefer waiting for a colleague, if I had any certainty that my Government would send one out to me. He said he would willingly wait for that object, if I wished it.

When we spoke of taking up the question of the slave-trade, I thought it best to intimate at this early stage, that unless this Government was prepared to say, that it would cause an act of Parliament to pass, declaring the trade by British subjects to be piracy, and rendering it punishable as such, in manner as had been done by an act of Congress of the United States, I was not authorized to enter into any negotiation upon the subject. He said in reply, that he was glad to think, speaking from his first impressions, that there would be no insurmountable obstacle on that score.

Nothing passed between us on this occasion on the topic of Spanish-American affairs, beyond the information which he gave me of his intention to send off consuls to the new States very soon; perhaps in the course of the month.

I asked him whether consuls, or commercial agents? He said, that they might as well be called by the former name perhaps, as they would be charged with the duties, and invested with the powers, belonging to the consular office. I asked whether they would be received in that capacity by governments, between which and Great Britain no political or diplomatic relations yet existed? He replied, that he could not speak with absolute certainty, but his anticipitations were that they would be received.

The foregoing information was forthwith transmitted to my Government.

November 25. Had a full and final interview yesterday with Mr. Canning at the Foreign Office, on the affairs of Spanish America.

November 26. Report what passed, in the following despatch to the Secretary of State.

"London, November 26, 1823.

"SIR,—I had an interview with Mr. Canning on the 24th instant at the Foreign Office, when he afforded me important information on

Spanish-American affairs, which I now proceed to lay before you.

"He began by saying, that our conversation on this subject at Gloucester Lodge, on the 26th of September, having led him to conclude that nothing could be accomplished between us, owing to the ground which I had felt it necessary to take respecting the immediate recognition of the late Colonies by Great Britain, he had deemed it indispensable, as no more time was to be lost, that Great Britain should herself, without any concert with the United States, come to an explanation with France. He had, accordingly, seen the Prince de Polignac, (French ambassador in London), and stated to him that, as it was fit that the two Courts should understand each other distinctly, on the Spanish-American question, it was his intention to unfold the views of Great Britain in an official note to him, the Prince; or to Sir Charles Stuart, the British ambassador at Paris, to be communicated to the French Court; or in the form of an oral conference with the Prince himself, whichever of these modes the latter might indicate as preferable. The Prince, after taking some time to decide, finally agreed to adopt the mode of oral conference, with the precaution of making a minute of the conversation, so that

each government might have in its possession a record of what passed.

"In pursuance of this course, Mr. Canning held several conferences with Prince Polignac in the early part of October, in which each party unfolded the views of their respective governments, and agreed upon the written memorandum or paper which was to embody them.

"This paper, Mr. Canning said, was of a nature which did not leave him at liberty to offer me a copy of it; but he had invited me to the Foreign Office for the purpose of reading it to me, having only since his return from the country last week, exhibited it to the Ministers of the other Powers, and not yet to all of them.

"He accordingly read the paper to me. When he had closed I said to him, that its whole matter was so interwoven with our past discussions, written and verbal, on the whole subject, that I could not avoid thinking that my Government would naturally expect a copy, as the regular termination of a subject, the previous stages of which it had been my special duty to make known to my Government. To this remark he replied, that he would willingly furnish me with a copy of that part which embodied the views of England; but that

where those of France were at stake, he did not feel that he had the same discretion.*

"I am therefore relieved from the task of recapitulating to you the contents of that portion of this paper, of which I may expect to receive a copy. The points which chiefly arrested my attention as new to me, and to which I will advert without waiting for the paper itself, were, first, that England declares that she will recognise the Independence of the Colonies, *in case France should employ force in aid of their re-subjugation:* secondly, in case Spain herself, reverting to her ancient colonial system, *should attempt to put a stop to the trade of Britain with those Colonies;* but it is not said what Britain will do beyond recognising their Independence, her ulterior conduct being left to be shaped, as we may infer, by ulterior events. She claims a *right* to trade with the Colonies, under a promise by Spain herself, given as long back as 1810, as an equivalent for British mediation offered at that day, between the parent State and the Colonies. As regards the form of government most desirable for the Colonies, considered as Independent States, a preference is expressed for monarchy, could it be practicable.

* In the end, I was furnished with a copy of the whole paper.

"With the exception of the foregoing points, I recollect nothing material in the paper as regards the policy or intentions of Great Britain, not heretofore made known in my own communications upon this subject, beginning with that of the 19th of August. The letter of Mr. Canning to Sir Charles Stuart, of the 31st of March, 1823, is still assumed as the basis of the policy of England.*

"To report with the requisite accuracy the views of France from this paper, read over but once to me, I might find a task the more difficult from having had less acquaintance with them beforehand. I will therefore not attempt to do so in any detail, from a fear that I might err; and because I have also the hope that an entire copy of it, although not given to me, will get to your hands through some other channel. I am not able, for my own share, to discern the adequate motives for wrapping it up in such secrecy, and have little doubt but

* This is the State paper, which, besides giving the general views of Britain as regards the Colonies, contains also the full avowal of her opinions on the then approaching war between France and Spain, stating her uniform endeavours with the European Powers to induce them to abstain from interfering in the internal affairs of Spain; and declaring, that so long as the struggles and disturbances of Spain should be confined within the circle of her own territory, they could not be admitted by the British Government to afford any plea for foreign interference.

that even the public journals of Europe will, before very long, enlighten us with sufficient precision on its whole contents. The London journals of the present week have made some beginning towards it.

"Having said thus much, I will proceed in my endeavours to state the main points of this paper, where it was illustrative of the policy of France.

"It declares that France, like England, considers the recovery of the Colonies by Spain as hopeless.

"It expresses the *determination* (I think this was the word) of France not to assist Spain in attempting their reconquest.

"It expresses the desire of France to see the dispute made up by amicable arrangements between the mother country and the Colonies.

"It disclaims for France all idea of exclusive commercial advantages from the Colonies, saying that, like Britain, she only asks to be placed upon the same footing with the most favoured nation after Spain.

"It knows not what there is to be *recognised* in the Colonies, as independent; France regarding all government there as a mockery.

"It labours to show the necessity of assembling a Congress to which England should be a party, (which she declines,) to bring about the

benevolent end of reclaiming those remote regions from their past errors, and making up the dispute between them and the parent State on terms satisfactory to both, as the policy worthy of both.

"These were the material points of the paper as I recollected them after listening to a single perusal of it. I am sensible that I state some of them in a way to start further questions as to their true meaning; questions which I could myself raise without being able at this moment to solve. The apprehensions of Britain, however, seem to be fully allayed, at least for the present; and it is certain that she does not now anticipate any speedy interruption of the peace of Europe from this cause. The language which France now holds to Britain is obviously at variance with that which her manifestoes breathed when her troops entered Spain in the spring.

"In the course of the paper on the British side, there is a notice taken of the interest which the United States have in the question. This is met on the part of France by a declaration that she does not profess to be acquainted with our views on the subject. The notice of the United States is in that part of the British paper which relates to the assembling of a Congress in Europe. I might probably have made

myself more accurately master of the whole paper, by recurring in conversation to some of the passages after Mr. Canning had finished reading it; but I was precluded the opportunity by the near approach of another appointment impending over him.

"Notwithstanding the tranquillizing professions of France, it would seem, that the sentiments of Russia, if we may draw inferences from Pozzo di Borgo's address to the King of Spain, which has just come before the world, still are, that the Holy Alliance is bound to keep a superintending eye upon the affairs of Spain throughout all her dominions.

"I have the honour to remain, with very great respect, your obedient Servant,

"RICHARD RUSH.

"Honourable JOHN QUINCY ADAMS,
Secretary of State."

CHAPTER XXIV.

COURSE OF THE UNITED STATES IN REGARD TO SPANISH AMERICA.—DECLARATIONS OF PRESIDENT MONROE IN HIS MESSAGE TO CONGRESS, DECEMBER, 1823.—THEIR EFFECT IN EUROPE.—REMARKS ON THE SUBJECT.—DINNER AT THE DUKE OF SUSSEX'S; AT MR. CANNING'S.—INTERVIEWS WITH MR. CANNING ON THE NEGOTIATION.—NORTH-WEST COAST OF AMERICA, THE PROMINENT TOPIC.—ENGLAND OBJECTS TO THE PRINCIPLE OF NON-COLONIZATION ON THE AMERICAN CONTINENTS, TAKEN BY PRESIDENT MONROE.—INTERVIEW WITH MR. CANNING PREPARATORY TO OPENING THE NEGOTIATION.

THE despatch with which the preceding chapter closed, substantially terminated the correspondence and conferences I had held with Mr. Canning on the topic, so interesting at that juncture both to Europe and America, of Spanish-American affairs. I had further conferences with him; but none necessary to be recounted, as they made no change in the course of England.

The plans of France, as regards the new States, which were understood to be fully the

plans of her continental allies also, had certainly changed from those which her manifestoes implied when her army, reputed at 100,000 men, entered Spain under the Duke d'Angouleme, in April, 1823, on its destination to Cadiz; which destination it reached, over all opposition. The object of that invasion was the overthrow of the constitutional government in Spain, on the alleged ground, among others, of liberating the King from the trammels of the Cortes.

That this change in France and her allies was produced by the knowledge, that England would oppose, at all hazards, hostile plans upon Spanish America, may be inferred with little danger of error. The certainty of it is, indeed, part of European history at that epoch.

And now I am to speak of the course of the United States. By the early transmission of the proposals made to me by Mr. Canning, in his notes of the latter end of August, the copies of them, as well as of my reports of our conferences on the whole subject, arrived at Washington in time to engage the deliberations of President Monroe and his cabinet, before the meeting of Congress in December. The cabinet was still composed of the names given in Chapter IV. of the former volume; and it was very satisfactory to me to learn that the part I

had acted was approved. Although, in the end, no concerted movements took place between the two Governments, the communications to me, from the Secretary of State, in responding to the overtures of Mr. Canning, were in a high degree conciliatory towards England; and framed with every just sensibility to the frank and friendly spirit of those overtures. This I duly made known to Mr. Canning.

But, although no joint movement took place, my despatches had distinctly put before our Government the intentions of England; with which, in the main, our policy harmonized; and President Monroe, in his opening message to Congress, which followed almost immediately afterwards in December, 1823, put forth the two following declarations:—

1. That it was impossible for the Allied Powers to extend their political system to any part of America, without endangering our peace and happiness; and "equally impossible therefore, that we should behold such interposition with indifference."

2. Whilst alluding to discussions between the United States and Russia, then commenced with a view to arranging the respective claims of the two nations on the north-west coast of America, the President also declared, that

"the occasion had been judged proper for asserting, as a principle in which the rights and interests of the United States were involved, that the American continents, by the free and independent condition which they had assumed and maintained, were henceforth not to be considered as subjects for future colonization by any European power."

The first of these declarations was probably expected by England, and was well received. Every body saw, at once, that it referred to the hostile plans of the Allied Powers against the late Spanish Provinces.

The second declaration was unexpected, and not acquiesced in; as accounts I am yet to give of negotiations with the British Government will make known.

When the message arrived in London, the whole document excited great attention; Spanish-American securities rose in the stock market, and the safety of the new States from all European coercion, was considered as no longer doubtful.

It may be inferred that my despatches, reporting all that had transpired with Mr. Canning, had an influence upon the declarations in President Monroe's message; and it may also be inferred, that the moral certainty which England derived through my correspondence

and conferences with her Foreign Secretary, that the United States would, in the end, go hand in hand with her in shielding those new States from European domination, even had the certainty of it not been otherwise deducible, must have had its natural influence upon her counsels when she explicitly laid down that policy for the admonition of the continental Allies.

As it is now for the first time that I make this subject public, I will give the reasons; if, indeed, any can be necessary at this late day. For, first, we are at a point of time nearly twenty-three years removed from the events; and an entire change has come over the feelings, obligations, and circumstances, creating motives for silence. While the events were at all fresh, and long after, I carefully abstained from giving them publicity in either hemisphere; but they have passed into history, and silence has lost its power over them. I do not publish Mr. Canning's notes, which have never been out of my own possession, but have given the essential points laid down in them; leaving the copies of them on the archives of our Government, to which, with his knowledge, I first transmitted them. 2. Being on those archives during so many years, they have, unavoidably, been inspected for public use; and accordingly,

their main contents, and those of my reports on the subject, have been proclaimed in Congress, and found their way into newspapers of the United States long ago; and, it may be, into English newspapers also. 3. In Mr. Stapleton's "Political Life of Mr. Canning," published in London in 1831, the essential matter of these notes to me has already been published, Vol. II. p. 23, and the subject explained on the side of England. What is now published, does nothing more, therefore, than follow up what was fully opened in that interesting work more than ten years ago, by those who had the just fame of Mr. Canning in charge; and seems necessary, in order to make known the share which the Minister of the United States had in the international movement in question; a movement of like concern, as far as it proceeded, to both nations.

It cannot be necessary that I should say more on this head; and thus I close the subject, having given the foregoing general explanations.

November 28. Passed last evening at Count Munster's, Grosvenor Place, where we had most of the diplomatic corps, and other company. My wife says, that Count D'Aglie, the Sicilian Minister, told her, that the late King, George III., in talking once to the Dutch Ambassador, called Holland an *aquatic* Power. The King

used the term in good-humour; but the Count added, that the Ambassador did not like it.

November 30. Dined at the Duke of Sussex's, Kensington Palace. Prince Cimitilli, Mr. Roscoe, (author of Lorenzo de Medici), Sir James Macintosh, Dr. Lushington, of the civil law courts; Mr. Denman, Mr. Jekeyll, and others, made the party.

His Royal Highness the Duke uttered sentiments favourable to constitutional liberty with his accustomed frankness and fervour, Mr. Roscoe seconding everything of this kind. The former asked if we had any Tories left in the United States. I said, a few, probably, in their abstract notions of government. Mr. Roscoe asked if they wished re-union with England. I replied that I did not believe there was a single individual in our country who entertained such a wish; we had grown too strong in ourselves. The voluminous and complicated state of the English law became a topic. Dr. Lushington remarked that no man could comprehend it all, and that it called loudly for revision and arrangement. He alluded to the numerous and increasing subdivisions in the profession of the law, as a consequence of the confusion and entanglements of the law itself, and thought it operated unfavourably upon the profession, by tending to

cramp the minds of its members, by limiting the range of their professional knowledge.

Cards being spoken of, his Royal Highness said, that the division and numbers of the pack were supposed to have had a connexion among the Egyptians (he gave cards that antiquity) with astronomical science. First, the fifty-two composing the pack, answered to the weeks of the year; next, thirteen of a kind agreed with the fourth part of the year, divided into weeks; then again, four different kinds, answered to the four seasons; and, lastly, by counting up from the ace to ten, then counting the knave as eleven, the queen as twelve, and king as thirteen, you get ninety-one. Four ninety-ones give you three hundred and sixty-four, the number of days, according to some calculations, in the year.

His Royal Highness mentioned that the English Government had a plan for purchasing up the whole slave population of their West India islands, to get rid of slavery in them. This was new to me, and seemed so to others at table. At first blush, I thought it struck all as very bold, if not impracticable.

How far the great West India Emancipation-act since carried into effect by Britain, on the foundation of what the Duke of Sussex then said, will result favourably to the interests

of humanity in those islands, does not, as yet, seem to have been ascertained.

December 10. Dined at Mr. Canning's, Gloucester Lodge. Mr. Planta, Mr. Stratford Canning, Mr. Chinnery, and a few others, were the guests.

At dinner, Mr. Canning took less than his usual share of the conversation, leaving it chiefly to his guests. Ships and steam-boats formed one of the topics. All agreed that naval science was on the eve of great revolutions, and soon to be carried to a much higher pitch than the present or past ages had witnessed.

At this classic villa of the Foreign Secretary, one of the suite of rooms is the library. We went into it, to coffee, after leaving the dinner-table. The conversation became literary. Washington Irving's Sketch-book was spoken of, and highly commended. Mr. Canning said it was a work of extraordinary merit; but he preferred the American pieces. In this preference others joined. The "Dutch Schoolmaster," and "Rip van Winkle," were singled out, as rich in humour. The topic changing, Swift came on the tapis. Several of his pieces were called up, with genuine gusto. Mr. Canning was on a sofa; Mr. Planta next to him; I and others, in chairs, dotted around. "Planta,"

said Mr. Canning, " pray hand down the volume containing the voyages, and read the description of the storm in the voyage to Brobdignag; seamen say that it is capital; and as true, nautically, as Shakespeare always is, when he undertakes to use sea terms." Mr. Planta took down the volume, and read the passage. One sentence in it runs thus: " It was a very fierce storm, the sea broke strange and dangerous; we hauled off upon the lanniard of the whipstaff, *and helped the man at the helm.*" When he was done, all admired the passage, under this new view and commendation of it, which Mr. Canning had given us. He himself said nothing for a few moments, but sat silent; then, as if in a reverie, he uttered, in a low tone, yet very distinctly, the words, "*and helped the man at the helm! and helped the man at the helm!!*" repeating them. It seemed as if the *helm* at the Foreign Office, with all its anxieties, had suddenly shot into his mind, clouding, for a moment, his social ease. His familiar friends of the circle bantered him a little on that fancy. He declared off, however, and only said that it was a fine passage. So passed this agreeable evening in the library at Gloucester Lodge.

April 23. [I antedate once more, in the present year, to allude to an official dinner at

Gloucester Lodge.] Dined at Mr. Canning's. The entertainment was in honour of the King's birth-day. We had all the Ambassadors and Ministers, and, in addition, two Princes of Bentheim, one of them a general in the Austrian service; Sir George Rose, late British Minister at Berlin; Lord Clanwilliam, his successor; Sir Brook Taylor, English Minister at Munich; Sir Henry Wellesley, now English Ambassador at Vienna; Lord Fitzroy Somerset, Mr. Planta, Lord Francis Conyngham, Lord Howard de Walden, and Lord —— Bentinck.

The table glittered with plate; and the glittering costumes of the ambassadors was superadded. I sat next but one to Mr. Canning, and had Sir Henry Wellesley on my left. With the latter I had conversation about Spain, where he had recently been ambassador. I found little opportunity, at so large and ceremonious a dinner, of conversing with Mr. Canning; but was able to make a brief allusion to what had fallen from him in the House of Commons a few days before, on the neutral course of the United States in '93, saying with what pleasure I had read it. He replied to my remark by saying, that he had lately been examining the state-papers of our Government at that era, and that they presented, in his opinion, especially the letters of Mr. Jefferson

while Secretary of State, principles well fitted to enter into a neutral code. The Ambassador of the Netherlands, who sat close by, appeared to listen with as much interest as I did, to this tribute from such a source, to the American defence of neutral rights.

It may be worth subjoining, that another of the European Ambassadors, and from a larger power, who sat farther off from Mr. Canning, sought me out on the day following, when I met him at another dinner, to ascertain what it was Mr. Canning had said to me about neutral rights; remarking that he had caught just enough of his words to know the subject, but nothing more. I told him; adding, that what he had publicly said in the House of Commons on the 16th of April, amounted, in effect, to the same thing.

December 12. Had an interview with Mr. Canning, on the subject of the general negotiation. He asked if I still despaired of having a colleague. I said not utterly; but my hope was so slender, that I could not justify it to my duty to ask any delay whatever in bringing on the negotiation, but would be ready at any time. As a further motive to an early beginning I remarked, that perhaps we might then hope to get through with some of the heaviest parts, before the meeting of Parliament in

February; after which his own and Mr. Huskisson's engagements in the House of Commons, might be likely to interpose delays to our progress. He informed me, that the instructions on their side were in daily course of preparation, but that he did not now think a beginning could be made with any advantage, on the score of expedition, until after the Christmas holidays, and that these would not be over until after the first week in January.

He further informed me, that he was upon the eve of writing to Sir Charles Bagot, their Ambassador at St. Petersburgh, on the subject of the Russian Ukase of September, 1821, relative to the north-west coast; and that if I could previously impart to him some of the views of the United States on this subject, perhaps it might prove useful to our ulterior discussions. I promised to do so.

December 17. Had an interview this morning with Mr. Canning, at Gloucester Lodge, expressly sought on his part with a view to speak to me on the subject of the north-west coast of America.

Learning on my arrival, that he was labouring under an attack of gout, I would have deferred the interview to suit his convenience; but he had given orders for receiving me in his chamber, into which I went, where I found

him in bed, though anxious to see me. His motive, he said, was, to be put in possession of an outline of our views in regard to the North-west coast, before preparing his instructions to their Ambassador at St. Petersburgh on the same subject. I accordingly stated them. A map of the coast and country was spread upon the bed, and, whilst his head was raised up on pillows, I was able to point his attention to the lines on the map which traced our title. He went into no remarks, beyond simply intimating, that our claim seemed much beyond any thing England had anticipated. I said that I had the hope of being able to show its good foundation when the negotiation came on. Further conversation of a general nature passed on the subject, and on coming away I left with him, at his request, a brief, informal statement of our claim, in writing.

Vespasian, when too ill to sit up and attend to business, gave audience to ambassadors in bed. Lord Chatham, when confined to his bed with the gout, received and did business with his colleagues of the Administration. Here, in addition, a Foreign Secretary of England, in bed with the gout, receives and transacts business with a foreign Minister.

December 18. Yesterday, before night came on, Mr. Canning's servant brought me a private

note. It was familiarly written, telling me that he remained as when I saw him; but that, when I had left him, he naturally looked at my memorandum; and, when he did look at it, how could he help exclaiming, "What is here! Do I read Mr. Rush aright?"

> "The United States will agree to make no settlement north of 51, on Great Britain agreeing to make none south of that line."

"So far all is clear," continues Mr. Canning in his note. "The point of contact is touched, and, consequently, the point of possible dispute between the United States and Great Britain; but the memorandum goes on"—

"Or *north* of 55."

"What can this intend?" continues his note. "Our northern question is with Russia, as our southern with the United States. But do the United States mean to travel *north* to get *between* us and Russia? and do they mean to stipulate against Great Britain, in favour of Russia; or reserve to themselves whatever Russia may not want?"

The note ends with saying, that he had given me only his first thoughts, and hoped I would "help him to clear the perplexity of them."

I aimed at this, by answering his note

instanter. I said, that it was even so; our proposal was, that Great Britain should forbear further settlements south of 51, and *north* of 55, for we supposed that she had, in fact, no settlements above 55; and we supposed *that* to be also the southern limit of Russia, it being the boundary within which the Emperor Paul granted certain commercial privileges to his Russian-American company in '99. "Fifty-one was taken," my answer went on to say, "as the northern limit of the United States, because necessary to give us all the waters of the Colombia;" and it added, that we "had no design to concede to Russia any system of colonial exclusion, above 55; or deprive ourselves of the right of traffic with the natives above that parallel." This was the general explanation I gave of the little memorandum in writing I had left with Mr. Canning; which, brief as it was, had been carefully formed from my instructions. My note concluded with saying, that I was charged by my Government with other views of the whole subject; which, when the negotiation came on, I had the hope would be satisfactorily made out.

Under this date, (the 18th,) I received a second familiar note from Mr. Canning, written from his bed, in which he says, that he would take my explanation, "like the wise and wary

Dutchman of old times, *ad referendum* and *ad considerandum*."

January 2, 1824. Had an interview with Mr. Canning, at Gloucester Lodge, at his request. His attack of gout had passed off. The interview was mainly to confer on the subject of the North-west coast. He objected strongly to our claim going as high north as 51, and hoped we would not urge it. He said, that it was to the south of this line that Britain had her dispute with Spain about Nootka Sound. How, therefore, could she now yield this point to the United States? It was a question too important for her to give up. He again hoped we would not urge it.

The President's message having arrived since our last interview, he referred to that part of it which holds out the principle, that the United States will henceforth object to any of the powers of Europe establishing colonies on either of the continents of America. If I had instructions, he wished me to state the precise nature and extent of this principle. He had not before been aware of it. Suppose, for example, that Captain Parry's expedition had ended, or that any new British expedition were to end, in the discovery of land proximate to either part of the American continent, north or

south, would the United States object to Britain planting a colony there? I said, that when such a case arose it might be considered; that I had no instructions on the principle since it was proclaimed in the message, but would be prepared to support it when the negotiation came on. He then said, that he would be under the necessity of addressing me an official note on the subject, prior to writing to their Ambassador at St. Petersburgh; or else decline joining us in the negotiation with Russia relative to the North-west coast, as we had proposed. The latter was the course which he would prefer, not desiring to bring this part of the message into discussion at present, as England must necessarily object to it. Further conversation passed as to the best mode of dealing with the principle in our approaching negotiation.

January 5. Had another interview with Mr. Canning relative to the North-west coast. He said, that he was still embarrassed in the preparation of his instructions to Sir Charles Bagot, in consequence of the non-colonization principle laid down in the message; and hoped I would be inclined to the negotiation proceeding separately, without England joining with the United States, as contemplated by my government. I replied, that I was entirely willing that the

negotiation should take that course, as far as I had any claim to speak.

January 6. In a despatch to the Secretary of State of this date, I mention Mr. Canning's desire that the negotiation at St. Petersburgh, on the Russian Ukase of September, 1821, respecting the North-west coast, to which the United States and England had equally objected, should proceed separately, and not conjointly, by the three nations, as proposed by the United States, and my acquiescence in this course. It being a departure from the course my Government had contemplated, I give the following reasons for it.

1. That whatever force I might be able to give to the principle of non-colonization as laid down in the message, which had arrived in England since my instructions for the negotiation, my opinion was, that it would still remain a subject of contest between the United States and England; and that, as by all I could learn since the message arrived, Russia also dissented from the principle, a negotiation at St. Petersburgh relative to the North-west coast, to which the three nations were parties, might place Russia on the side of England, and against the United States. This, I thought, had better be avoided.

2. That a preliminary and detached discus-

sion of so great a principle, against which England protested *in limine*, brought on by me, when she was content to waive it, and preferred doing so at present, might have an unpropitious influence on other parts of the negotiation of more immediate and practical interest.

3. That by abstaining at such a point of time from discussing it, nothing was given up. The principle, as promulgated in the President's message, would remain undiminished, as notice to other nations, and a guide to me in the general negotiation with England, when that came on.

The foregoing were the reasons which determined me to the departure. My conferences on the subject with Mr. Canning, which began on the 2d instant, were resumed and concluded only yesterday, that I might allow myself full time for deliberation,

January 21. Had an interview with Mr. Canning at the Foreign Office. Mr. Huskisson and Mr. Stratford Canning were present. It was agreed that the general negotiation should be opened, in form, on the 23d instant, at the office of the Board of Trade.

I then handed Mr. Canning a paper, containing the following list of the subjects :—1. Commercial intercourse between the United States and the British North-American Colonies, and

West India Islands; connecting with these heads, the question of the navigation of the river St. Lawrence. 2. Suppression of the Slave Trade. 3. Boundary Line under the fifth article of the Treaty of Ghent. 4. Admission of Consuls of the United States into the Colonial Ports of Britain. 5. Newfoundland Fishery. 6. Relative claims of the two nations on the North-west coast of America. 7. Debateable questions of maritime law.

Some conversation passed as to the order in which the subjects were to be taken up, when it was agreed that we would begin with the Slave Trade.

CHAPTER XXV.

THE GENERAL NEGOTIATION OPENS.—SUBJECT OF THE SLAVE TRADE FIRST TAKEN UP.—DINNER AT THE DUKE OF SUSSEX'S; AT MR. STRATFORD CANNING'S.—RENEWED INTERVIEW WITH MR. SECRETARY CANNING ON SPANISH-AMERICAN AFFAIRS.—SECOND MEETING OF THE PLENIPOTENTIARIES ON THE BUSINESS OF THE NEGOTIATION.—INTERVIEW WITH THE DEPUTIES FROM GREECE.—THIRD MEETING OF THE PLENIPOTENTIARIES.—WEST INDIA AND COLONIAL TRADE.—NAVIGATION OF THE ST. LAWRENCE.—DINNER AT PRINCE POLIGNAC'S, FRENCH AMBASSADOR.—FOURTH MEETING OF THE PLENIPOTENTIARIES.—DINNER AT THE MARQUIS OF LANSDOWNE'S; AT THE DUKE OF WELLINGTON'S; AT MR. PEEL'S.—FIFTH, SIXTH, AND SEVENTH MEETINGS OF THE PLENIPOTENTIARIES.—CONVENTION RELATIVE TO THE SLAVE TRADE AGREED UPON AND SIGNED.—CIRCUMSTANCES WHICH LED TO ITS DEFEAT.

January 23. The negotiation opens at the office of the Board of Trade, Great George Street, Westminster. The British Plenipotentiaries, Mr. Huskisson and Mr. Stratford Canning, hand me for inspection their original full power from the King; and I hand them mine,

under the President's autograph, constituting me the Plenipotentiary of the United States. Theirs, in describing my appointment, speak of it as having been by the President, with the consent, and by the authority, of the Senate and *House of Representatives* of the United States. I pointed out the inaccuracy, mentioning that the Senate only was associated with the President in the appointing power; but on their asking if I thought it material, I said No, being only surplusage; and both powers being found in due and proper form in all other respects, copies were exchanged, each party attesting his own.

It was agreed that all our discussions should be carried on by conference and protocol, with the insertion on the protocol of such written documents as either party might deem necessary, either as matter of record or explanation; and that the business of the negotiation should be conducted in all respects, as far as practicable, according to the precedents of the negotiation between the two nations in 1818. The British Plenipotentiaries informed me that they had appointed Mr. Lack their secretary.

It having been agreed that the subject of the Slave Trade should be taken up first, I proceeded to open it on the side of the United

States. After making all such statements and remarks on the subject as seemed to me necessary to introduce and explain it, according to the true spirit in which I had been instructed by my Government to present it, I concluded by reading the entire *projet* of the convention transmitted to me by the Secretary of State, with his despatch of the 24th of June, 1823.

The British Plenipotentiaries said that they would take the whole into careful consideration. They remarked, that Britain wanted nothing, on her part, to put down this trade, so far as her own subjects were concerned; her laws against it being already effectual, and having put a stop to it as far as laws could. I replied, that such was also the case with the United States; that, for ourselves, we wanted nothing further, and offered this *projet* only to meet the call for a substitute for the British proposals hitherto made to us, but which the United States, under their constitutional system and for other reasons, had been compelled to decline; and also to meet the request expressed in a resolution of the House of Representatives, passed by a vote nearly unanimous, in the winter of 1823. I added, that in the *projet* I had submitted, the first, second, fourth, and ninth articles, were to be considered as embodying principles not to be departed from.

We adjourned at 4 o'clock, to meet again on the 29th.

Immediately after the negotiation was, in due form, opened, the British Plenipotentiaries remarked, in manner altogether conciliatory, that should our labours unfortunately end without any treaties growing out of them, which however they did not wish or mean to anticipate, the failure would at least not disturb the good understanding subsisting between the two nations; a remark to which I cordially responded.

January 25. Dined with the Duke of Sussex, where we had a small party. On rising from table, we went into the rooms containing his Royal Highness's library, in one of which coffee was served. The whole suite was lighted up, enabling us to range through them, and glance at the books. The entire collection was stated to be fifty thousand volumes, chiefly formed by himself within a few years. They are arranged in different rooms according to the subjects. Of theology, there were said to be fifteen thousand volumes, comprising one thousand different editions of the Bible, several of them polyglot editions; his Royal Highness being a good linguist, and fond of biblical learning. The first Bible ever printed with types was in the collection. One hundred and thirty guineas

was the price given for it, and it seemed to be prized even beyond that sum by its royal owner.*

January 26. Dined at Mr. Stratford Canning's. Mr. Huskisson was there, and requested that our second meeting might take place on the 2nd of February, instead of the 29th instant as first appointed; which was agreed to. Mr. Secretary Canning was of the party, and much pleased with the commencement of our work on the Slave Trade. He had been informed of my *projet* of a convention, called it a promising "first step," and one which he hoped would be productive of good fruit in the end.

February 1. Had an interview with Mr. Canning, at Gloucester Lodge, on Spanish-American affairs. I read to him a despatch received from the Secretary of State, dated the 29th of November, 1823, which laid down the principles of my Government on this subject,

* This liberal-minded and excellent Prince died a year or two ago. He was always attentive to American gentlemen, when afforded opportunities of making their acquaintance. None shared more largely, or better merited, his esteem, than our late Minister to England, Mr. Stevenson; and perhaps I may here add, that when the latter was about to visit Paris in 1837, his Royal Highness, on his own friendly impulse, gave him a letter of introduction to the King; which ardently breathed respect and good-will to the United States, as well as to Mr. Stevenson personally.

and gave answers to his propositions and communications to me of last summer and autumn, the basis of which intervening events had changed.

Mr. Canning then mentioned to me the present position of England in relation to this subject; and that it might be known to me the more precisely, he handed me for perusal a despatch which he had prepared to Sir William A'Court, British Ambassador at Madrid, of date so recent as the 30th of January. It was written in consequence of the Ambassador having informed his Government that Spain had again been addressing herself to France, Austria, and Russia, calling on them to hold a congress at Paris, (to which England was *not* to be invited,) for the purpose of assisting Spain in the recovery and establishment of her authority over her colonies in America. I read the despatch entirely through. The substance of it was:—

1.—That England disapproves of the plan.

2.—That she thinks the day gone by for all interference towards a settlement of this contest, unless on the basis of the independence of the new States; and that she, England, is willing to mediate between the parties on that basis; *but no other*.

3.—But that she is nevertheless willing that Spain should be allowed special advantages over other nations, England being still content to stand on the footing of the most favoured nation, *after* Spain.

4.—She expresses a desire that Spain should herself be the first among European powers to acknowledge their independence; and that she should do it promptly. The despatch urges this measure strongly, and intimates it to be the intention of England to wait a while longer, in the hope of its adoption.

5.—But that, should Spain refuse to adopt it, or indefinitely put off the recognition of the new states, England will herself recognise them: and that this may even happen in a few months.

Such was this official paper, resolved into its essential points.* Mr. Canning said to me, in conclusion, that he had no belief whatever that any Congress would now be held, and before I came away expressed anew his wishes for the auspicious progress of our negotiation.

February 2. The Plenipotentiaries of the two governments met according to appointment, at the same place as before. The British Plenipotentiaries had drawn up the

* A full copy of it was afterwards sent to me, which I transmitted to my Government.

protocol of our first conference, which, with some additions to it which I suggested, was agreed to.

They then went, at large, into the consideration of some of the articles I had submitted on the Slave Trade. They raised objections to some of the provisions, made queries as to others, and were full and free in their general remarks. I replied to them all, under the lights of my instructions, and such others as occurred to me. Many of their objections and difficulties, they admitted, went rather to the details of the plan than its substance; and they said that they would consult more fully with their law-officers, under every anxiety to see all objections satisfactorily removed. We adjourned on this footing, after having been together several hours, agreeing to meet again on the 5th instant; but as it was hardly supposed, by the British Plenipotentiaries, that they would be able at so early a day to see their way through all the first difficulties growing out of the plan I had offered, it was agreed that we should take up the subject of commercial intercourse at our meeting on the 5th; making a pause for more careful examination and reflection on the subject first opened.

February 3. Had an interview with the deputies from Greece, resident in London,

Mr. Orlando and Mr. Luriottis. I delivered to the latter a letter from Mr. Adams, Secretary of State.

It was a letter in answer to one written to the Secretary, in which Mr. Luriottis had asked at the hands of the United States active aid to the cause of Grecian emancipation. In declining to afford this aid, Mr. Adams, as the organ of the United States government, puts the refusal on the ground of constitutional and international duty, not on any sentiment of indifference to the cause of Greece, but excluding such an inference; and I was requested to accompany the delivery of his answer with remarks and explanations of my own, in unison with its spirit—a duty which I gratefully performed. Mr. Bowring, an active, intelligent friend of the cause of Greece, in London, was present at the interview.

Mr. Orlando had lately been President of the Senate of Greece, and said, that he was charged by that body to convey to me its thanks for the interest I had shown, last winter, in London, in the cause of Grecian emancipation. This had merely reference to an occasion when I had publicly uttered expressions of good will to that cause of suffering humanity in a classic land,—a feeling common to Christian mankind; yet, in further and over-merited

return for such expressions, Mr. Luriottis also delivered to me, from Prince Mavrocordato, Secretary of State of the Grecian government, a letter of personal thanks.

February 5. The Plenipotentiaries met at the office of the Board of Trade. The protocol of the last conference was read, and, with some alterations, agreed to. Mr. Huskisson stated, that Mr. Lack's engagements at the Board of Trade would prevent his attending to the duties of Secretary to the British Plenipotentiaries, and that they had appointed Anthony St. John Baker, Esq. in his stead.

According to the understanding at our last adjournment, I proceeded to open the whole subject of commercial intercourse between the two nations, agreed to be brought into the negotiation. I did so, with the fulness suggested by the Secretary of State's instructions; and the necessary review of all past negotiations and conferences with the British Government, in which I had myself borne a part. In conclusion, after stating what appeared to me the main facts and principles, I offered to the British Plenipotentiaries a paper which I had drawn up, and marked A, consisting of three articles. The two first stated the footing upon which the United States now desired to place this commercial intercourse; and the third

provided for our free navigation of the river St. Lawrence.

As explanatory at large of the nature and grounds of the latter claim, after having, in my verbal opening, stated, in a general way, the principles of public law on which it was placed, I offered a paper, marked B, which I had also prepared, that it might be annexed to the protocol.

To the footing on which my articles proposed to place the West India and Colonial trade, the British Plenipotentiaries made strong objections at first blush; yet said, that they would give them full consideration, in the hope that something might be made of them under their own modifications, after having them in hand for more careful scrutiny.

The paper, marked B, in support of our claim to the navigation of the St. Lawrence, they appeared unwilling to receive in that light, until they could consult their Government, and requested a delay of their decision on the point until our next meeting. The claim was entirely unexpected and new to them;—they had anticipated nothing of the kind. It was so that they expressed themselves; and in the strongest terms of objection to the doctrine I advanced. They asked what equivalent I was prepared to offer for our claim to the navigation of a river,

flowing through a channel, both shores of which were admitted to be within British territory, and under exclusive British jurisdiction? and when I replied, none, for the reasons made known in the paper I had drawn up, they manifested increased objections to it.

We separated after a long sitting; the British Plenipotentiaries saying, that they would give every consideration to my proposals, and the papers with which I had accompanied them. The 10th of the month was appointed for our next meeting.

February 8. Receive a note from the British Plenipotentiaries requesting a postponement until the 16th instant, of our meeting appointed for the 10th.

February 15. Dined at Prince Polignac's, the French Ambassador's, Portland Place. It was an entertainment given to all the Foreign Ambassadors and Ministers, and most of the members of the Cabinet. * * * * Shows much desire to know how the negotiation goes on; and, especially, if we had got to the maritime questions; and what we mean to do upon them. I tell him, that we have not got to them; that there will be a great deal to say when we do, which perhaps other nations may think important; and that, at a future day, I can have no objections to resuming conver-

sation with him on the subject. He says, that there are rumours about the extent of our demands. I ask, of what nature? He does not know, or draws back from telling; and only refers to our principle of non-colonization on the American continents. He asks, if I have understood how France views that principle. I answer in the negative, and express a hope that France may not intervene on such a principle, considering all the circumstances now surrounding it in the hands of the United States; whose Plenipotentiary had to meet the known opposition of the whole British Cabinet to it, and the probable influence of Russia superadded. He said, that his impression was, that France also had objected to it, or would.

February 16. The Plenipotentiaries met. The protocol of the last conference was agreed to and signed.

The British Plenipotentiaries gave no answers to my proposals respecting commercial intercourse, but ample discussions took place upon them. They stated, and reiterated, the improbability of being able to agree to them in their present shape, assigning reasons at large; and asked if I had no other proposals to offer. I said none, to change essentially the grounds of those submitted; but added, that if they failed, in the end, to prove acceptable, I would

gladly receive their counter proposals for transmission to my Government, if unable previously to mould them into any thing myself.

The paper marked B, on the navigation of the St. Lawrence, they objected vehemently to inserting on the protocol. They thought it too argumentative to be considered within the spirit of the right reserved by each party, to annex written statements to the protocol; saying, that the right, if exercised in this manner, instead of being used as simply explanatory of oral statements, would lead to elaborate written discussions on each side, contrary to what had been their understanding as to the mode in which the negotiation was to be conducted.

I replied, that I was not tenacious of its being annexed to the protocol; but the claim which it embraced, being one of great magnitude to the United States, and new to all past discussions between the two countries, all I desired was, that it be received as a paper containing a general exposition of the principles upon which my Government rested the claim for the United States, and would expect their Plenipotentiary to defend it. In this light they said they would receive it, as I expressed a wish to that effect.* They denied

* But see 17th and 18th Protocols, when the negotiation had reached those stages.

wholly the right we claimed; saying, that the principles of public law were against it, and the practice of nations; though it was not their purpose, at the present moment, to go into the argument, or produce their authorities in answer to the contents of the paper I had drawn up. This is a brief, abridged notice of what passed on this head at this conference.

We next resumed the subject of the Slave Trade. On this subject they said, that they were not finally prepared to submit their alterations and modifications of my plan; not having yet obtained the official opinions of their law officers on several parts of the plan, as they now hoped soon to do. But with this preliminary remark, they put into my hands, informally, a paper which they had drawn up, embracing their alterations and modifications; which paper they requested I would take into consideration, in order that, should the opinions of their law officers be found in the end to sanction it, time might thus be saved. I received their paper with this understanding.

Our sitting was again a protracted one, and we adjourned without specifying a day for the next meeting, as the British Plenipotentiaries could not, under their present circumstances, fix upon it; but they hoped it would be soon, and they would give me two days' notice before-

hand, that the time might be made to suit both parties.

February 28. Dined at the Marquis of Lansdowne's, where I met Admiral Sir Edward Codrington. He told me that he was at the battle of New Orleans, and related some particulars of it. He knew Mr. Edward Livingston, one of General Jackson's aids, and since our Minister to France. Coming on board the fleet on business from General Jackson, he was detained several days by Admiral Cockburn, and carried to Mobile. Sir Edward remarked, that his conversation and whole bearing, made a highly favourable impression on the British officers; of which all would be sure who knew Mr. Livingston, his talents, attainments, and train of gentlemanly qualities.

February 29. Dined at the Duke of Wellington's. We had several of the diplomatic corps and their ladies, my wife among the latter, and other company. Of the number was Mr. Secretary Canning, with whom I conversed. He was very cordial; probably the more so from the points of difference which seem to be unfolding themselves in the negotiation; of which, however, we did not speak on this occasion.

The Duke's sideboard was full of lustre. The most prominent piece of plate upon it this

evening, was the celebrated shield, a present to him from the City of London. It is of pure gold. On it are represented, in bas-relief, and in alto, the most important of his victories. The cost of this munificent present was stated to be fifteen thousand pounds sterling. Virgil has almost described it:—

"On Tyrian carpets richly wrought they dine;
With loads of massive plate the sideboards shine;
And antique vases, all of gold embossed,
(The gold itself inferior to the cost
Of curious work,) where on the sides were seen,
The fights and figures of illustrious men,
From their first founder to the present Queen."

DRYDEN. *Æneid*, book i.

March 6. Dined at Mr. Peel's, Home Secretary of State since the resignation of Lord Sidmouth. We had nearly all the diplomatic corps, and other guests. In the table ornaments, you saw the alliance of taste with wealth. When Mr. Adams returned to Washington, in 1817, from the English mission, he was accustomed to say, speaking of the public men of England, that for extensive education and knowledge, combined with superior endowments of mind and effective oratory, he regarded Mr. Peel as first amongst those then advancing into renown—an opinion remarkably sustained by the result; and all who have read the speech of Sir Robert Peel, on his inauguration into the

office of Lord Rector of the University of Glasgow, in 1837, may see in it that his mind is not less thoroughly imbued with the spirit of all that is chaste and elegant in literature, than stored with the solid acquirements which, as Premier of England, have given him a mastery over public affairs in their largest range and combinations. This—as a reminiscence of more than a quarter of a century. I return to my proper date.

The conversation at table, had, as one topic, the reforms in the law, which Parliament has taken in hand, and with which Mr. Peel has had so much to do. In alluding to them this evening, even his incidental and brief remarks told the listener how able he was to look at the law, as a science, through the lights of his general reading in that and other fields; and therefore qualified to take hold of it with a reforming hand, though no professional man.

Prince Polignac, French Ambassador, was of the company. While we were in the drawing-rooms, after dinner, I had conversation with him on the relations between France and the United States. It had not proceeded far, when he alluded to Lafayette's intended visit to the United States, and in a tone of complaint; friendly indeed, but decided. What caused it to be complained of, I asked? how was this

possible? "It was the *invitation* given to him by our Government, and offer to send a frigate over to France to convey him to our shores." These things it was, he said, which, considering the relations Fayette held to the present Government of France, gave him pain, and would pain others in France. I endeavoured to remove this kind of sensibility in him, by the simple remark, that I thought all France ought to regard the visit in a light precisely the reverse; for that, if it were possible by any single incident, beyond any other imaginable, to revive in the United States the ancient attachment to *Bourbon* France, it would be this very visit of Fayette; whose presence once more among us, after so long an interval, would almost rekindle the enthusiasm of the revolution, recall Washington to us, whose favourite Fayette was, and the times when French hearts and arms were united with our own, while a Bourbon filled the throne of France.

March 7. Prince Polignac visits me. He resumes the topic of yesterday at Mr. Peel's, urging anew his friendly complaint; whilst I enlarged upon the repelling and soothing view of it, held up to him yesterday—but probably with as little success.

All may do homage to the consistent devotion of such a man as Prince Polignac to his

Sovereign, and sympathise with him while a prisoner in Ham Castle; but it is not easy to regard in the same light the clearness of his understanding.

I receive to-day a note from the British Plenipotentiaries, proposing the 9th instant for our next meeting, and reply that it will suit me.

March 9. The Plenipotentiaries met. The protocol of the last meeting was read over, and agreed upon.

The opinions of the law-officers having sanctioned the principles and modifications which the British Plenipotentiaries had introduced into my project on the Slave Trade, and which, in fact, they embodied in the form of a *counter-projet* of a convention of ten articles, we proceeded to the consideration and discussion of them at large. The discussions were confined to the parts which I thought objectionable, and particularly to the passage in their first article offered as a substitute for my fourth article, relating to convoy; and to that in their tenth article, in lieu of the passage in my ninth, by which they aim at retaining all their former alleged rights of search, not conceded under the proposed convention. The British Plenipotentiaries earnestly insisted upon the exclusion of my article relating to convoy,

saying that they would be embarrassed by it, if retained; as in their treaties with other Powers, stipulations had been entered into on this point, at variance with those I offered. To this I replied, that the stipulations in those treaties were altogether objectionable in the eyes of my Government, and could not, under any circumstances, be assented to. I asked, would the British Government give instructions to its naval officers never to stop or detain our vessels sailing under convoy, on the plea of looking for slaves, supposing no prohibitory article inserted? The British Plenipotentiaries answered in the affirmative. Why not then, I remarked, insert the article, and thus put it on the footing of an international stipulation? The conference lasted a long time, but was productive of no results. We adjourned, to meet on the 11th instant.

March 11. The Plenipotentiaries met according to adjournment. Further and full discussions took place on the Slave-trade question, which ended in our finally settling all the articles necessary to the convention. I consented to renounce the words in my fourth article relative to convoy, on their essential meaning being retained in the first article of the British *projet*, and on the other parts of their article relative to convoy being entirely

expunged. Respecting those parts of the tenth article of the British *projet* to which I had objected, such erasures and additions were made as, in the end, reconciled both parties. We adjourned, to meet on the 13th.

March 13. The Plenipotentiaries met. Full discussions having now been had on the subject of the Slave Trade, and everything agreed upon by the Plenipotentiaries on each side, a convention for the purpose of more effectually putting down the trade by the co-operating naval efforts of both nations, was this day signed and executed in due form, subject to the ratification of the Senate of the United States.

March 15. Under this date I transmit the convention to the Secretary of State, with a despatch giving an account of all the discussions which led to its conclusion.

I stated, that I had offered, in the first instance, to the British Plenipotentiaries, the *projet* enclosed to me, in the form I had received it. That I considered the essential principles of it to be; first, That England was to declare the Slave Trade piracy, as the United States had done. Second, That the vessel captured on suspicion of being a slave trader, by any of the public ships designated for that purpose from the navy of the two powers, was to be sent for adjudication to the

country to which she belonged, and never, if an American vessel, be tried by British tribunals; we, on the other hand, not claiming to try British vessels before our tribunals. Third, That no individual belonging to the crew was ever to be taken out of the accused vessel. Fourth, That the capturing officer should be laid under the most effective responsibility for his conduct in all respects. Fifth, That no merchant vessel under the protection, or in the presence of a ship of war, was ever, under any circumstances, to be visited by a ship of war of the other nation.

I stated that these essential principles were all secured by the convention; although, in the progress of the negotiation, the British Plenipotentiaries had objected so strongly to them for the most part, that the convention had well nigh fallen through, under their objections; that if in the details necessary to give validity to these cardinal principles, I had, in some instances, yielded up my own phraseology in favour of theirs, and in some other respects at last acceded to their views on points which I did not deem essential, and where their argument seemed entitled to attention, they still reminded me, that the preponderance of concession was largely on the British side, taking the convention as a whole.

My despatch was sufficiently full on all the points; but I here make no other references to it than the above, as embracing condensed allusions to the parts most material. The documents of the negotiation, as well as the convention itself, have been long since published; but as the latter fell through, from the Senate of the United States having annexed to the ratification of it modifications and exceptions which, in the end, did not prove acceptable to England, I do not think it necessary to insert, in this work, either the documents or convention. The less, as there is now an existing arrangement between the two Governments for naval co-operation with a view to the suppression of the Slave Trade, in the 8th Article of the Treaty of Washington, of August, 1842.

In ratifying the convention, the Senate excepted from its provisions, the 2nd Article, and a portion of the 7th. These were introduced by the British into their *projet*, and I finally gave my assent to them in the progress of the discussions. They consisted, in the opinion of my Government, of provisions unessential to the great objects of the convention, and need not now be stated, as England herself ultimately yielded them; and would have joined in the ratification of the convention, although the Senate had expunged them.

But the striking out of a provision from the *first* article, was a measure which proved fatal to the instrument in the eyes of England.

That article commenced thus: "The commanders and commissioned officers of each of the two high contracting parties, duly authorized, under the regulations and instructions of their respective Governments, to cruise on the coasts of Africa, of *America*, and of the West Indies, for the suppression of the Slave Trade, shall be empowered, under the conditions, limitations, and restrictions hereinafter specified," &c. &c.

The Senate struck from this article the words, "of America."

With the above exceptions, the convention received the full ratification of the Senate; that body simply adding a clause by which each party was to be left at liberty to renounce the convention, on giving six months' notice to the other; to which England had no objection.

The fatally objectionable words were in the *projet* I first submitted, prepared at Washington. In striking them out, the Senate probably had in view the coast of the United States; though the words embraced all South America, with the coast of Brazil. But on no part of the coast of the United States was there

any probability that slave-trading vessels would ever be found, unless within the Gulf of Mexico; so that the necessity for the guarded exercise of the authority to capture, would have been no greater than upon, or proximate to, the coast of Europe.

Before the convention finally fell to the ground, Mr. Canning sounded me as to the plan of a qualified restoration of the words struck from the first article, so as to restrict the right of cruising to the southern coast of the United States, as the part alone where slavery was found. I replied at once, that it would be decidedly objectionable, as carrying an appearance, I was sure he could not intend, of our being a divided nation. He rejoined, that he could have no such thought, having only thrown out the suggestion in his anxiety to save the convention from destruction.

England had no solid foundation for complaint at the refusal of the Senate to ratify the convention as signed in London. She knew it to be a fundamental provision of our constitution, that no treaty was finally valid until it received the sanction of that body. My full power to negotiate, a copy of which her Plenipotentiaries were in possession of, stated, that whatever treaty or convention I concluded, was

to be transmitted to the President for his final ratification, "*by and with the advice and consent of the Senate of the United States.*"

Yet, it is not to be disguised that she was disappointed at the result: First, because the words which the Senate struck from the first article, and which alone, in the end, had been the means of destroying the convention, were introduced in our own *projet*, prepared under the eye of the executive government of the United States at Washington. To this it was answered, that the Senate had differed from the President; a difference not to have been foreknown, and no more than a natural occurrence under our constitutional forms, although it may not have been frequent in the case of treaties. And, secondly, because we had made it a *sine qua non* to entering upon the negotiation, that she should declare the Slave Trade piracy, by act of Parliament; which she accordingly did. To this we answered, that whatever appearance of concession, beforehand, this might carry, England had an independent moral ground on which to rest her act of Parliament, in the acknowledged enormity of the offence which it denounced as piracy; the laws of the United States having also previously branded it with the same guilt.

I add, in conclusion, on this head of the

general negotiation, that President Monroe was prepared to have ratified the convention exactly as I had signed it in London; of which I informed the British Government; and he was pleased to convey to me, in the same despatch in which this was declared, (one from the Secretary of State of the 29th of May, 1824,) his approbation of the course I had pursued in the negotiation of it.

CHAPTER XXVI.

THE GENERAL NEGOTIATION PROCEEDS UNDER ITS OTHER HEADS.—CHARACTERISTICS OF THESE, INCLUDING UNSETTLED MARITIME QUESTIONS.—IMPRESSMENT, PRIVATEERING, AND THE OREGON QUESTION.—FINAL REPORT TO THE GOVERNMENT OF THE UNITED STATES, OF THE PROGRESS AND TERMINATION OF THE WHOLE NEGOTIATION.—OREGON QUESTION THEN, FOR THE FIRST TIME, DISCUSSED AT LARGE BETWEEN THE TWO NATIONS.—VIEWS OF EACH STATED.

In the succinct, but I would hope intelligible, account given in the foregoing chapter of the fate of the Slave-trade convention, only one subject of a complicated negotiation was disposed of. Six others remained, all of importance to the two countries, and some involving interests of humanity not less dear and permanent, and wider in scope, than those involved in the Slave Trade. To treat of such subjects with necessary fulness of investigation, under all the other calls upon the time of the British negotiators and upon my own, (for the current business of

the Legation went on,) occupied the remainder of the spring, and two months of the summer; the final conferences running into the closing days of July. Twenty-six formal protocols were drawn up; and the intervals between the meetings at which the matter of them was canvassed and settled, as authentic records of the negotiation, did not pass without toil on the part of the negotiators.

I made detached reports from time to time of its progress, having kept full minutes of everything; but waited until its close for the transmission of a connected Report of the whole, condensed and arranged from those minutes in ways that appeared suited to render the whole intelligible under one view. That Report was dated on the 12th of August, 1824, and was published by Congress. Having already given partial extracts from some of these minutes, serving to show the spirit in which the negotiation on some of its points opened, and the forms under which it proceeded, I now design to depart from that mode; which, if continued, and the minutes were given in full, might become too monotonous. Instead of that plan, I will insert the final Report itself; with which document, followed by its essential adjuncts, the protocols, and a memorandum or two, made afterwards, this volume will close.

The negotiation was one of such extent, and embraced public interests of such magnitude, that its connected history can scarcely be without some share of interest; and, perhaps, its exhibition in these pages may invest it with some chance of being more known, than if left to be ascertained from separate, and numerous official documents, piled away among the records of our Government; oftentimes, too, needing elucidation, which the documents themselves do not afford. Some of the questions, as will be seen, were founded in the loftiest views, and most expanded patriotism. For the share I had in this negotiation, I neither seek nor deserve any award of merit, beyond having faithfully aimed at fulfilling the instructions under which I acted; but let its history duly speak to all American citizens, the merit of the Government of the United States at that epoch.

Let its history convey the just award to that virtuous and honourable man, pure patriot, and wise chief magistrate, James Monroe; whose services and worth ought to be freshened in the eyes of his country. A noble-minded man he was, without a particle of selfishness or ill-directed ambition in his whole nature; a man of Roman mould; honest, fearless, and magnanimous; who, having shed his blood in the war of the revolution, and risked it in that of 1812,

the official prop of which he was at the darkest crisis of Mr. Madison's administration, sought, with returning peace, to establish, on the broadest foundations, the relations of peace, and lessen the calamities of future wars, when wars were to come. Let the just award be given to his Secretary of State, Mr. Adams; whose extraordinary endowments and fervent patriotism are stamped upon the instructions I received. I do not republish them, as they would swell too much the bulk of this volume; but their great and enlarged ends, under some views, and profound sagaciousness for his country's interests, under others, will be sufficiently collected, I trust, from my Report.

It will be seen, that the whole subject of our commercial intercourse with the Colonial Empire of Britain, insular and continental, in this hemisphere, which still remains an unsettled subject, has never been put on better foundations for the United States, than were then contemplated; and that our trade and tonnage are in danger of suffering, whenever those foundations are lost sight of.

It will be seen, in connexion with this subject, what large views were taken of our right to the navigation of the St. Lawrence, then becomming an international question of great magnitude; though since superseded by artificial water high-

ways of our own, and other outlets and modes of transportation for the teeming productions of our soil and industry in those vast portions of the Union, for which the St. Lawrence, at that era, was the natural outlet to the ocean. I republish neither the American nor British argument in detail on this broad question; but the nature of it will be seen from my Report, and cannot be without historical interest, any more than the manner in which it was taken up and urged, can be without its just bearing upon the patriotism of Mr. Monroe and Mr. Adams.

It will be seen how prophetic, under some aspects, were the views taken of the North-eastern Boundary question at that time; since settled by the treaty of Washington of 1842, after it had gone near to producing a war.

It will be seen, under the head of "Maritime Questions,"—a subject of the deepest international interest, and still altogether unsettled throughout nearly the whole field of belligerent and neutral rights as between the two nations,—what was then said. And, most especially, will it be seen, how expanded and beneficient, looking to the whole family of nations, were some of the proposals of the United States. It will be seen, how this enlightened American President, holding in trust, and exercising under a high estimate of political and moral duty, the executive power of

the *second* maritime nation of the world, authorized and directed me to propose to the *first* maritime nation of the world, to abolish not merely privateering, BUT ALL PRIVATE WAR UPON THE OCEAN; in other words, that no public ship of either nation, should, thenceforth, when war came on, capture a merchant vessel of the other, or otherwise plunder private property; but confine belligerent operations upon the ocean *exclusively* to the ships of war of each nation. Thus, this rising Republic, so often misunderstood, would have led the way, had her proposals been accepted, to this great consummation of benevolence and humanity; earning the gratitude of mankind in present and future ages, by the most signal triumph which civilization in modern times would have had over barbarism, still left in the legal code of nations! Nor must it be forgotten, that in making this great proposal, she was ready to sacrifice to a moral principle all base and sordid gain; for whilst the national ships of England were in overpowering number to her own, PRIVATEERING was an arm with which she was fully able to cope with England, under all the bad temptations to its use, which the vast and rich commerce of England affords.

And it will be seen, what passed on the Oregon question in this negotiation, in addition

to what was disclosed at its opening scenes. This is a question not only still unadjusted, but, at the present time, intensely engaging attention in both countries; and the whole past history of which cannot therefore be without deep interest. It will be seen, that it was only then that the two countries, for the first time, fully opened themselves to each other upon this question; and it will be seen, how wide asunder were their opinions, arguments, and expectations; thence suggesting to each, the duty no less than wisdom, of giving a respectful consideration to each other's convictions; for I will not pass this subject over without saying, that satisfied as I was, and have ever remained, of the superiority of our title, and sincerely as I strove to demonstrate it, I do not doubt but that the British Plenipotentiaries were as sincerely convinced that theirs was the best. This belief is nothing more than obvious justice from nation to nation, where decided differences of opinion exist; else we break down all mutual respect, and have only to fly to immediate force.

Other subjects came into this negotiation, which, if secondary in importance to some of the foregoing, belong to the history of our foreign relations, and are not unworthy to be known.

Many and anxious were the hours devoted to it; for its long road was often rugged. The discussions were between two nations, neither of which, from the characteristics of a common race, is prone to yield when it believes itself in the right; yet, there was always this of consolation—that the ruggedness of the official road never interrupted the personal harmony of the negotiators. The questions we were handling, all had reference to the past or future; no existing irritations of practice were then upon us, in connexion with them; and this was favourable to their calm consideration. Social and hospitable intercourse were maintained; and would often agreeably step in, after we had been dwelling upon protocols and other matters hard to be arranged between the parties. Never did this kind of hospitality come in ways more refreshing, than when the scene of it was Gloucester Lodge.

Without further remark, I proceed to the insertion of the Report of which I have been speaking.

No. 10. "London, August 12, 1824.

"Sir,—My letter of the second of this month will have informed you that the negotiations in which I have so long been engaged with this Government, had come to a close, but

without any treaty or other arrangement having been concluded on any of the subjects which had been given in charge to me. This is a result which I should lament the more, did I not endeavour to reconcile myself to it by the reflection, that I have earnestly, though fruitlessly, striven to render it more auspicious, and by the consideration, far more important, that, as several of the subjects discussed have been both of novelty and magnitude between the two nations, my Government will have the opportunity of being put in more full possession of the sentiments of this Government, prior to the conclusion, or to the proposal anew, of any definite or final stipulations.

"The task of reporting to you, for the information of the President, the whole progress of the negotiation, now devolves upon me. I enter upon it in the anxious hope that, whilst shunning a prolixity that might fatigue, I may nevertheless omit nothing necessary to a full understanding of all that has passed. I console myself with the recollection, that the protocols and other papers that will be transmitted to you, will mainly delineate every material occurrence. From these may be learned all the formal proposals that have been made on the one side or on the other; but the grounds of them, the discussions by

which they were sustained or opposed, together with various explanations which the written memorials of the negotiation, wearing for the most part the character of abstracts only, do not indicate,—these it becomes my duty to make you also acquainted with in every essential particular. It must be my purpose to fulfil this duty in the course of the present despatch.

"It was my first intention to have made my report to you in the shape of separate communications, allotting a distinct one to each subject, that I might be able to follow in this respect the example of your instructions to me. But after the discussions were opened, it was often found impracticable to keep the subjects distinct. More than one subject, or branches of more than one, would sometimes engage our conferences on the same day, superinducing the necessity of mixing them up in one and the same protocol. For this reason, and because also the British Plenipotentiaries in some instances established a connexion between subjects where, as I thought, none regularly had place, and so treated them in our records in the manner I shall have occasion to describe, it has appeared to me most conducive to good order to present the whole under one view. If this unity in my Report would not appear at first sight to be suggested

by a view of the diversity as well as number of its subjects, it has seemed to me upon the whole to adapt itself best to the course which the negotiation actually took, both in the oral discussions, and in the entries upon the protocols; and that it will become most intelligible, whether in its incidents or its general spirit, when exhibited as a whole. In the hope that this mode of making up my Report may meet your approbation, I proceed, without more of introduction, to its proper business.

"1. After the Slave-trade question had been disposed of, the subject upon which we next entered was that of the commercial intercourse between the United States and the British Colonial ports in the West Indies and North America. Copious as this subject was found to be when examined in all its details, its mere discussion—I mean the strictly commercial parts—was, perhaps, attended with less difficulty than that of some others. It had been familiar to the past and even recent discussions of the two Governments; so much so, that, upon almost every point connected with it, opinions had been formerly expressed by both. When, at an early stage, the British Plenipotentiaries said that, after the opening of this trade to the vessels of the United States, by the act of Parliament of the 24th June,

1822, it had not been expected by Great Britain that our foreign tonnage-duty and additional impost would have been continued to be levied upon their vessels, I naturally replied that, to whatever other observations the policy of the United States might be open in this respect, it could scarcely be said to have been unexpected, as upon at least two occasions since I had been their organ at this Court, they had expressly declined acceding by compact to the very terms in regard to this trade which were afterwards moulded into the act of Parliament. Your instructions being precise and full upon this head, I caused them to be well understood. I recapitulated the history of the negotiations that led to the convention of the 20th of October, 1818, in all those parts of it which had relation to the question of commercial intercourse. I presented the review of all the legislative acts, or other measures affecting this intercourse, as well prior as subsequent to that convention. On the side of Great Britain, the act of Parliament of July, 1812, the draft of the four articles submitted by Lord Castlereagh, in 1817, the act of Parliament of May, 1818, and the order of Council which followed it on the 27th of the same month.

"On the side of the United States: the act of

Congress of the 3d of March, 1815 (the legislative basis of their system of reciprocity), the two acts, original and supplementary, of April the 18th, 1818, and May the 15th, 1820, concerning navigation; the act of May the 6th, 1822, with the President's proclamation of the 24th of August, founded upon that act; to all these I referred, in connexion, also, with the second negotiation of June and September, 1819, when the proposals again submitted by me on behalf of the United States for regulating this intercourse by treaty, were again rejected by Great Britain. The deduction I made from the whole was, that the United States had, with uniform consistency and steadiness, pursued a course in regard to this trade, which aimed at placing it upon a footing of entire reciprocity; that they asked nothing more, but, in justice to their citizens, could be satisfied with nothing less.

"To work out this reciprocity seemed, however, not to be an easy task, I remarked, on the side of Great Britain, whatever had been her desire. Her commercial system was of long standing, and, from its great extent, often in no slight degree complicated and intricate. It was marked, not only by a diversity in its operation upon her home and colonial empire, but by subdivided diversities in its application to her

colonies. In some of her West India Islands, for example, there were export duties; in others, none. Some had port charges, and various other local charges, operating upon vessels or their cargoes, not recognised in others, but, what was more important than all, her ancient navigation acts still remained substantially in force, mingling their fetters with all her modern legislation upon the same subject. Her commercial and navigating system, whatever other recommendations it might possess in her eyes, had been rendered by time and her past policy deficient in the uniformity and simplicity calculated to place it, in these respects at least, upon a par with the commercial and navigating system of the United States. This broad distinction between the two countries was always necessary to be kept in mind, I said, in their commercial dealings; and, whatever explanation or excuse it might furnish to Great Britain, for continuing the pursuit of a course which still moved in many points in subordination to her ancient policy, it afforded to the United States neither motive nor justification for giving up theirclaim to the principle of an absolute and perfect equality, in all their regulations of trade with Great Britain.

" This brought me to the true nature of the act of Parliament of the 24th of June, 1822.

I explained to the British Plenipotentiaries, that this statute had not, whatever might have been its intention, opened the ports of the British Colonies, in the West Indies and America, to the vessels of the United States, upon the same terms as were enjoyed by British vessels. The privileges granted by it to vessels of the United States were, that they might carry directly, but in no other way, from some port of the United States to certain specified colonial ports, certain specified articles of merchandise, whilst very high duties were to be paid on all such of those articles as could alone be the subjects of a profitable trade. British vessels, on the other hand, possessed the additional and exclusive privilege of carrying the same articles to the same colonial ports, directly or indirectly, and free from all duty whatever, when carried from a British colony in North America, to a British colony in the West Indies. Moreover, I observed, the vessels of the United States, admitted only as above to the colonial ports, were obliged, supposing they obtained a cargo, to return directly to the United States, and to give bond, under a heavy penalty, for landing it at the port for which it was entered, with the additional burden, not imposed by the act of Parliament, but existing in fact, of paying a colonial export duty of four or five per cent.

upon the value of this return cargo. This burden did not fall upon British vessels, as they might avoid it by going, which they were free to do, to any port of the British dominions, either in Europe or America, a range not allowed to the vessels of the United States. Nor were the British vessels required to give any export bond for landing the articles at the port for which entered, and producing, within twelve months, a certificate of this fact; a condition which was also attached to American vessels. It was evident, I insisted, from the foregoing recapitulation, that vessels of the United States had not the same privilege under this act of Parliament with British vessels, and that the former were, also, subject to restrictions, imposed by the act or otherwise existing, from which the latter were exempt.

"I reminded the British Plenipotentiaries, however, that no sooner had the knowledge of this Act of Parliament reached the United States, than the President, exercising, without the least delay, the authority with which by anticipation he had been invested, issued his proclamation, of the 24th of August, 1822, opening the ports of the United States *generally* to British vessels coming from any of the ports *enumerated* in the British Act, an exercise of authority in a high degree liberal, considering

the relative state of the statutes of the two countries then in force for the regulation of this trade. In other respects, the proclamation of the President had done nothing more, I said, than lay British vessels coming from the colonies to the United States, under the same restrictions in regard to their cargoes, to which vessels of the United States were subject when going to the colonies. This, in necessary justice to the United States, it was obliged to do, and by the permanent laws of the Union, British vessels continued liable to the charge of foreign tonnage, and impost duties. I explained to the British Plenipotentiaries, that, if neither the proclamation nor the permanent laws of the Union imposed burdens upon British vessels and their cargoes which were the specific counterparts of those imposed by the Act of Parliament of the 24th of June, 1822, upon American vessels, they were nevertheless the necessary counterparts of the burdens which did, in point of fact, exist as against American vessels. To their owners it mattered not whence these burdens originated, so long as they continued to press unequally in the competition of American with British vessels. It was to complete the intention of meeting these burdens upon a basis of reciprocity at all points, that the act of Congress of the 1st of

March, 1823, was finally and on full deliberation passed. Its express object I described to be to countervail all restrictions, of whatever kind they might be, in actual operation against vessels of the United States, whether enacted by the act of the 24th of June, 1822, in force under the old navigation act of Charles II., or recognized and permitted by colonial ordinances or local regulations in any of the British ports that had been opened. As this act of Congress could not effectuate its just object by applying to British vessels restrictions which were of the precise and corresponding nature with those operating against the vessels of the United States, it adopted, I said, such as were analogous to them, without, however, in any instance, going beyond the measure of a necessary retaliation, but rather keeping within than exceeding this limit. The act of Parliament had, it was true, proceeded upon the hypothesis of extending like privileges to American as to British vessels; but here it had stopped, without imposing upon the latter the same restrictions which had previously existed against the former. The act of Congress went further, and, in according the like privileges with the British act, imposed also restrictions equivalent to those that were really and injuriously in force against the vessels of the United States.

"It was in this manner that I fully opened to the British Plenipotentiaries the principles and views of my Government in relation to this interest. If I am not more minute in recounting all that I said, it is merely because I abstain from swelling this communication by a repetition of the principles, the facts, and the arguments contained in your despatch to me of the 23d of June, 1823. With the various matter of this despatch I had made myself familiar, and it was alike my duty and my endeavour to exhibit it all to the British Plenipotentiaries in the most perspicuous and impressive ways in my power. I went on to remark, that it seemed plain, notwithstanding our countervailing restrictions, that we were still left at a disadvantage in the competition; for, that, for an enumerated list of ports open to our vessels, only part of which, too, had been opened by the act of Parliament of the 24th of June, 1822, we had opened *all* of our ports, in return, to British vessels. For an enumerated list of articles, which we were alone allowed to export to the Colonies, we received, in return, *all* articles which the Colonies found it most to their interest to send to us; and, for a duty of ten per cent. on our articles imported into the West Indies, and of four or five per cent. on those that we brought away, our laws did nothing

more than retain a foreign tonnage-duty, of less than a dollar per ton, on British vessels, and of ten per cent. on the duty otherwise chargeable on the articles brought to the United States in them. It was even doubtful, I said, whether, under these circumstances, our vessels would be able to continue the trade, and it was, perhaps, quite as much so whether the double system of restrictions upon which it stood would not deprive it of all value to both countries. I used, under this branch of the subject, all the topics of illustration with which your despatch had supplied me, and others which the subject called for.

"The British order in Council of the 17th of July, 1823, laying a duty of four shillings and threepence sterling, per ton, on our vessels going to the colonial ports, to countervail, as Mr. Secretary Canning informed me in October last, our foreign tonnage duty, having been subsequent in date to your instructions to me, no remarks upon it were, consequently, embraced in them. But I considered the duty imposed by this order open to the same animadversions as all the other burdens falling upon our vessels. If we had grounds for complaint before this measure, they were but increased by it. If we were deprived of the opportunity of fair competition in the absence of this new duty, its impo-

sition could not but augment the inequality. If we were carrying on the trade under every prospect of disadvantage without it, a more positive and certain loss to us must be the result if it were continued. Hence, I did not scruple to say to the British Plenipotentiaries, that it must be considered as giving additional force to all our other objections to their regulations. I had not, I admitted, and from the cause stated, received your instructions upon the subject of it; but, as our foreign tonnage-duty, and the additional impost, had been kept up against British vessels in necessary self-defence against all the anterior restrictions upon our vessels, and duties upon their cargoes, I took it for granted that this new British duty, if not abrogated, would, on the same principles, and from the same necessity, be met by some measure of counteraction on our side. In offering such comments as these upon it, I trust that they will be thought conformable to the true nature and objects of your instructions, though not in words pointed out by them.

"In the end, I offered, for the entire and satisfactory regulation of this trade, a draft which I prepared of the two articles (marked A) annexed to the protocol of the third conference. The first of these articles, after reciting the restrictions upon the trade existing on each

side, and the desire and intention that prevailed of removing them, goes on to provide, that, upon the vessels of the United States admitted by law into the colonial ports, and upon the merchandise imported in them, no other duties or charges of any kind should be levied than upon British vessels, *including all vessels of the Colonies themselves*, or upon the like merchandise imported into the colonial ports from any other port or place, *including Great Britain and the colonial ports themselves*. And, reciprocally, that upon the vessels of Great Britain, admitted by law into the ports of the United States, and upon the merchandise imported in them, no other duties or charges of any kind should be levied than upon vessels of the United States, *including vessels of each and every one of the States*, or upon the like merchandise imported into the United States from any other port or place whatever. The words last underscored, were inserted only for the greater satisfaction of the British Plenipotentiaries, it being explained by me, and so understood by them, that it could carry no new meaning; there being no such thing under our system with foreign nations, as a vessel of any one of the States, distinct from a vessel of the United States. It followed, that the passage would have had the same meaning without

these words. The second article provided, in fulfilment of the intentions of the first, that the trade should continue upon the footing on which it had been placed by the laws of the two countries, with the exception of the removal, by Great Britain, of the duties specified in schedule C, of the act of Parliament of the 24th of June, 1822, and those specified in the schedule B, of the act of the 5th of August of the same year, and of the removal, by the United States, of the foreign tonnage-duty and additional impost, complained of by Great Britain. The article concluded with a mutual pledge for the removal of all discriminating duties on either side, of whatever kind they might be, from the desire which operated with the parties, of placing the trade in all respects upon a footing of perfect equality. Such was the nature of my proposals, for the more exact terms of which, I beg to refer to the paper which contains them.

"The British Plenipotentiaries made immediate and most decided objections to the part of these proposals which went to the abolition of the duties in the two schedules indicated. They declared that, under no circumstances, could they accede to such a principle; and they proceeded to assail it under every form. The fundamental error of their reasoning, as always

heretofore upon the same point, appeared to me to lie in considering their colonial possessions as part of the entire British dominion at one time, yet treating them as separate countries at another. For her own purposes, Britain could look upon these Colonies as on one and the same country with herself. For the purposes of trade with foreign States, she felt herself at liberty to consider them as detached from herself, and forming a new and distinct country; as moving, in short, within a commercial orbit wholly of their own. It was to this, that her rule, resolved into its true principles, came at last. However such a rule might be met, and its application admitted, as between foreign States mutually possessing colonies, and therefore mutually able, in their commercial intercourse with each other, to act upon it, its application was manifestly unequal and incongruous towards the United States. Possessing no colonies themselves, the United States neither legislated nor acted upon a principle of subdividing their empire for any purpose of commercial advantage, or, above all, monopoly, with other nations, but held out indiscriminately to all, one integral and undivided system. In strict justice, it would hence not be unreasonable in them to expect, that all nations with which they entered into commercial stipulations, should look upon their colonies, if

they had any, only in the light of an extension of the territories and jurisdiction of the parent State, since this was, in effect, the aspect which the United States presented throughout the whole extent of their territories and jurisdiction, to all foreign nations. The productions of Massachussets, for example, which entered into the articles of international traffic, were, as compared with those of Louisiana, scarcely less different in their nature, than were those of Britain from those of Jamaica; yet one commercial code spread itself over the whole of the United States, of which foreign nations, and Britain amongst them, had the benefit, whilst different commercial codes, and entangling commercial practices under them, were seen to exist on the part of Britain. This resulted from the mere fact, important it might be to Britain, but indifferent to the United States, of these codes and these practices being applicable to the Government of different portions of the British empire, some of which fell under the denomination of her home dominion, and some of her Colonial dominion.

"It was to no effective purpose, however, that I enlarged upon, and endeavoured to enforce, by placing in other lights, the foregoing distinctions. The British Plenipotentiaries continued to combat my positions, and to insist

upon their right to lay whatever duties they deemed expedient upon our productions going to their Islands, in protection of the like articles exported to them from any part of their own dominion. They said that they would never part with this right, for which we offered them no equivalent concession. They likened our request for its surrender, by an analogy, the force of which I could never see, to a request on the side of Great Britain, should she prefer such a request, to be admitted into a participation of our coasting trade. They alleged also, that in laying these duties they had aimed only at making them a necessary protection to their own subjects in their North-American colonies; and that they were scarcely up to this point was shown by the fact, which they also alleged, of their subjects in those colonies not having yet been able, since the trade was opened, to obtain a proportionate share of it.

I had more than once occasion to remark, that it was not *the right* of either party to model its own laws as it thought proper, that we were discussing; it was the *terms* upon which it would be best to do so, that we ought rather to be desirous of settling. Here were certain colonies belonging to Great Britain on the continent of North America. It happened

that some of them were in the immediate neighbourhood of the United States. Their course of industry was the same, their productions the same. If the live stock and lumber from one of these colonies, from that of New Brunswick for example, were allowed to be imported into Antigua or St. Christopher's duty free, whilst similar articles from the State of Maine, bordering upon New Brunswick, laboured under a duty of ten per cent. on their importation into the same islands, was not, I asked, all just competition at an end? Still more was this the case, I remarked, if, after disposing of their cargoes, the vessel from New Brunswick could take in a return cargo, absolved from an export duty, and was moreover left at liberty to take advantage of circumstances by trading from colony to colony, whilst the vessel from Maine was obliged to depart in ballast, or, if she took in a cargo, do so subject to the export duty. How, too, under the weight of this latter duty, were the articles upon which it was charged to bear up in the markets of the United States against the competition of similar articles found in their markets, partly of their own produce, and partly derived from islands in the West Indies, other than those belonging to Great Britain? It was thus that I endeavoured to

establish the reasonableness of our complaints, and to recommend our proposals to adoption. I admitted the general right which every nation had to foster the industry of its own subjects, preferably to that of strangers, but controverted its justice or expediency, as applicable to this trade, a trade that was anomalous in many points, and to be judged of and regulated not so much on any general theory, as under an impartial view of all the peculiarities that belonged to it. As to the expression, "from elsewhere," introduced into the act of Congress of the 1st of March, 1823, I insisted upon the propriety of giving it a construction that would include the British Colonies themselves as well as foreign countries,—the only construction that ever could satisfy the United States, because the only one that could ever be equitable. Without it, a reciprocity in words might exist; but there would be none in fact. There was obviously no foreign nation, except the United States, that supplied the British West Indies with the articles in which a traffic had been opened. To say, therefore, that they should be imported into the British Islands, subject to no higher duties than were levied on articles of the same kind coming from any other foreign country, would be altogether without meaning.

The field of competition was exclusively in the North-American Colonies of Britain. These, by their position and all their local peculiarities, were fairly to be considered as another country in the estimate of this trade, though they were, it was true, in political subjection to Great Britain. Their being dependencies altered not those physical and geographical characteristics in them which made them the rivals in this intercourse, and the only rivals of the United States.

"The British Plenipotentiaries yielded to none of this reasoning. They admitted that there were many difficulties in the way of a satisfactory adjustment of the Shipping question, and of this intercourse generally between Great Britain and the United States. These difficulties were partly colonial, partly the result of their old navigation laws, and partly springing from the nature of the British North-American trade, which bore so close an affinity to some portion of the trade of the United States. But they continued to declare their determination not to admit the productions of the United States into their islands upon the same footing with the like productions from other colonies of their own; and they reiterated their allegations that, even under the present duties on our productions, the trade was in our

favour. They argued hence, that the amount of the duties, instead of being too high, seemed insufficient thus far, taken on a general scale, to balance the advantage of our proximity to the West Indies, and of the greater extent and productiveness of our soil. On this head they gave me details. They said that, by their latest accounts, full two-thirds of the flour and lumber sent to their islands from North America were ascertained to have been of the produce of the United States, and that, perhaps, seven-eighths of this quantity were conveyed in vessels of the United States. On the return trade, also, they declared that our vessels had a share not much below the same proportion. To these statements, I could only reply that my impressions were different. That it was true I was in possession of no returns subsequent to June, 1823, but that, up to that period, my information justified me in believing that the trade had not yielded a fair proportion of gain to our merchants. The British Plenipotentiaries dwelt emphatically upon the circumstance of our vessels taking away specie from their islands, in place of a return cargo in the produce of the islands, as indicative of the trade being against the islands, since it left upon their hands their rum and molasses, articles which they were chiefly anxious should find a

market in the United States. If it were the export duty that produced this necessity in our vessels to take payment in money for their cargoes, rather than in the produce of the islands, the Plenipotentiaries said that they could not repeal it, because it applied equally to British vessels. It was a duty of four-and-a-half per cent. existing on the exportation of produce, not in all of the islands, but in some of them, viz. in Antigua, St. Christopher's, Montserrat, Barbadoes, Nevis, and the Virgin Islands. In the latter, it was granted for the benefit of the Crown, in 1774. In most, or all of the others, it had existed, for the same purpose, as far back as 1668. British vessels paid it, they said, when going from these islands, whether their destination was the mother country, or any foreign country. But I did not understand them to say that it was paid if they went only from colony to colony.

"To the objection of only a limited number of ports being open to our vessels, they said, that they admitted them wherever custom-houses were established, and that the privilege reserved to British vessels of going from colony to colony was only the privilege of letting them enjoy their own coasting trade. They seemed to forget, that, by whatever name this privilege went, it was still one which operated against

the competition of vessels of the United States. On the non-admission into their islands of articles that we desired to send, as, for example, salt-fish, beef, pork; these, they said, were also excluded from the direct trade between Great Britain and the United States, including all other foreign countries. Here, too, they seemed to throw out of mind, that this very exclusion, in whatever principle it originated, still operated against the commerce of the United States; for, that a system of positive exclusion formed no part of the regular or permanent system of the United States, and was therefore one of which, as long as they dealt out a different measure of commercial benefit to other nations, they had good grounds to complain.

"I am saved the necessity of recapitulating any further the remarks of the British Plenipotentiaries upon our proposals, from their having furnished me with a summary of them in writing. This was not in the regular course of our proceedings, and the paper not being considered as an official one, was not annexed to any protocol, or referred to in any. It was merely given to me as an informal memorandum, in which light I was willing and glad to receive it, as it protects me from all risk of not doing justice in my Report to their representa-

tions. It will be found among the enclosures, marked W.

"After all that I have said, it may be almost superfluous to state that this Government will decline abrogating the tonnage-duty of four shillings and threepence sterling, imposed upon our vessels, by the order in Council of July, 1823. Mr. Huskisson expressly brought this subject before the House of Commons in the course of the last session of Parliament, with a view to give full validity to that order, doubts having arisen how far it was justified by the provisions of the Act of Parliament of the preceding session, on which it was founded. By this Act a general power had been given to the King in Council, to impose countervailing duties on the cargoes of foreign vessels, but not upon their tonnage. It was under this Act that the order of July, 1823, affecting the tonnage of our vessels, passed; and Mr. Huskisson obtained, at the last session, a new Act for indemnifying all persons concerned in executing this order, which, though out of the words, was conceived to be within the objects of the first Act. A copy of the last Act is enclosed. The two Acts taken together, now give to the King and Council a permanent power to meet other nations on the ground of reciprocity in duties, both as to vessels and cargoes. To this ground Prussia has acceded,

by a treaty concluded with this Government in April last, a printed copy of which I enclose, that its terms may be seen. Denmark has done the same, by a treaty concluded in June. The latter is not published as yet, but I have reason to know, that its terms are the same as those of the treaty with Prussia. It does not include the colonies of Denmark, nor, of course, those of Britain; standing, in this respect, upon the footing of our commercial convention with Britain of 1815. Prussia, having no colonies, her treaty, as far as there will be room for its operation at all, necessarily stands upon the same footing. Among the colonies of Denmark are comprehended Greenland, Iceland, and the Feroe Islands, which are enumerated as such in the treaty. It is understood that Sweden has shown a disposition to come into this reciprocity, and that there are pending negotiations between this Government and that of the Netherlands to the same effect.

"After the British Plenipotentiaries had finished all their remarks upon our proposals, I thought it best, seeing that they had not proved acceptable, to invite others from them, in turn, to be taken for reference to my Government. These they afforded me, and they are annexed, marked L, to the protocol of the sixteenth conference. The first article, after reciting

the desire of both parties to abolish, reciprocally, all discriminating duties in this trade, proceeds to effect this purpose, after the British understanding of it. It pledges Great Britain to lay no higher duties on our produce than upon produce of the same kind, imported not from *elsewhere*, or from any other country, but from any other *foreign* country, using here the very term to which, in both the former negotiations, we had objected at large. The same term has place in the part of the article intended to operate against Great Britain, as she only claims in sending her colonial produce to the United States, that it shall be received, subject to the same duties as are paid on articles of the same kind, when imported into the United States, from any other *foreign* country. To this correlative provision the British Plenipotentiaries referred, as illustrative of the true idea of reciprocity. I again insisted upon its manifesting the very reverse. It was palpable that the term had a real substantive meaning in the one case, but might as well be omitted in the other. Like produce with that sent to the British Islands from the United States, the Islands obtained, as we had seen, from no other foreign country, but only from the British possessions in North America; whereas the United States *did* receive from Cuba, from St. Domingo,

and from other foreign islands and countries, the same kind of produce as that yielded in the British Islands. Surely, then, Great Britain would be benefited by the operation of the term; whilst to the United States it must be nugatory. There was a visible sphere within which it would act in the one case, whilst in the other there was no shadow of foundation upon which it could rest. But I was always unsuccessful in obtaining from the British Plenipotentiaries the admissions due to us on this cardinal principle. Their second article provides for the actual abolition, subject, of course, to the foregoing reservation, of all discriminating duties or charges of every kind, whether on the vessels or cargoes of the two Powers. The third contains a stipulation, that, in case the trade should prove on trial unduly advantageous to one of the parties, the other will examine in a proper spirit the complaint, and, on its being substantiated, adopt measures in unison with the true principles on which the parties intended to fix it. The fourth provides, that whatever advantages Great Britain may in future extend to any friendly State in Europe or America, with respect to this trade, shall be common to the United States; and that the United States shall extend to Great Britain whatever advantages they may at any time grant to the most

favoured State, in any trade carried on between the possessions of such State in the West Indies or America, and the United States. The fifth and last article provides, *in consideration of the foregoing arrangements*, that Consuls shall be admitted from the United States into the open colonial ports, and received on the same conditions as are stipulated in the fourth article of the convention of July, 1815. Upon this last article I shall have occasion to remark in another part of my communication. The others I leave, including the fourth, upon the remarks already made. The fourth, it is evident, still keeps to the British principle of considering their Colonies as equivalent, of themselves, to the whole of the United States, in the arrangements of this trade.

"During the pendency of the negotiation, I received a letter, which seemed to me to be of importance, from Mr. Kankey, our consular commercial agent at the island of Barbadoes. He informed me that, under directions which had been recently given to the collector and comptroller of the customs of that island, by the Lords Commissioners of the Treasury, vessels of the United States were permitted to land there a portion of their cargoes, and to carry the remainder elsewhere, if entered for exportation, paying the import duty only on so

much as was landed. This regulation, he added, would be of service to our trade, provided the necessity of paying the tonnage-money of four shillings and threepence sterling per ton, at more than one of the colonial ports, during the same voyage, could be avoided; and he appealed to me to have this effected.

"I immediately brought the subject before the British Plenipotentiaries, urging the right of our vessels to an exemption from all such double payments, on the ground of British vessels never being subject to double payments of tonnage duty in the United States, during the same voyage, though they did proceed from port to port. I was asked if I had any instructions from my Government upon this point. I replied that I had not, but that I was confident in my belief that, under our laws, the fact could not be otherwise than as I had stated it. Mr. Huskisson then said that he would obtain the sanction of this Government for placing our vessels in the West Indies upon the same footing, in this respect, upon which British vessels were placed in the United States, and would undertake, in his official capacity of President of the Board of Trade, to see that the necessary orders were forthwith issued for the accomplishment of this object.

"Mr. Kankey made another representation to

me, which I also brought before the British Plenipotentiaries, as pertinent to the business in which we were engaged. He stated that an improper duty was charged at Barbadoes, on the article of biscuit, when imported in barrels from the United States, a repeal of which he had not been able to effect by remonstrating with the collector. This article, when intended for a foreign market, is packed in barrels, such as are used to hold flour, and seldom contain, it appears, more than eighty pounds weight. But without any reference to the weight, the collector was in the habit of demanding, on every such barrel of biscuit (the cracker) landed at Barbadoes, a duty of two shillings and six-pence sterling, when by the true construction of the Act of Parliament of the 24th of June, 1822, under which the duty arose, it was believed that only *one* shilling and sixpence *per hundred weight* ought ever to be charged. Of this heavy overcharge on a single article, which the exporters of the middle states were constantly sending to the British Islands, I complained in the terms that Mr. Kankey's representation to me warranted. Mr. Huskisson gave me an immediate assurance that my complaint should be attended to. He subsequently informed me that, in consequence of it, the officers of the customs, generally, in the islands, had been

directed, in all cases where such biscuit was imported from the United States, in barrels, weighing less than one hundred and ninety-six pounds, to charge the duty by the weight, and at the rate of not more than one shilling and sixpence sterling per hundredweight. I am happy to think, that, in at least these two instances, some portion of immediate relief is likely to be extended to our trade in that quarter.

"From Mr. Monroe Harrison, the Consul of the United States at Antigua, I also received a communication, whilst our proceedings were going on, of which I apprised the Plenipotentiaries of this Government. He informed me that our citizens, trading to that island, being often compelled to sell their cargoes on a credit, payable in produce, when the crops came in, found it convenient, if not sometimes necessary, to make another voyage to the West Indies, in order to recover the proceeds of their cargoes so disposed of. The markets in the French and other islands being often better than in the British Islands, our citizens, in the predicament stated, would find it, Mr. Harrison remarked, to their advantage, to be able to resort to the former islands in the first instance. But this object they were precluded from coupling with that of afterwards calling at the

British Islands for the collection of their debts in the produce of them, since, should they only touch at the British Islands, having on board any article other than of the produce of the United States, their vessels became liable to seizure. I did not receive from the British Plenipotentiaries the same attention to this representation that was shown in the other cases; nor, under my present lights, did I feel altogether warranted in pressing it upon the same grounds. They informed me, in the course of our conversation upon it, that there was no objection, under the British regulations, to a vessel of the United States, bound from one of our ports to any island in the West Indies, other than British, afterwards proceeding from such other island to a British Island, with the whole or part of her cargo; provided it had not been landed at any intermediate port, and that there had been no change in the property during the voyage. I presume that those of our citizens who are interested in knowing it, are acquainted with this construction of the British laws; which, however, does not present itself to my mind in the light of any important boon.

"The Act of Parliament of the 5th of August, 1822, having immediate relation to the commercial intercourse between the United States and

the British continental possessions in their neighbourhood, I naturally regarded it, as your instructions to me had done, in connexion with the Act of June the 24th, 1822. This brought under consideration our claim to the navigation of the river St. Lawrence. Between this question, and the questions of commercial intercouse under the Act of June, 1822, the British Plenipotentiaries were constantly unwilling to acknowledge any connexion. Nevertheless, looking to your instructions, and as well to the reason of them as to their authority, I treated the two questions as belonging to one and the same general subject. They asked whether, taking the two Acts of Parliament together, the United States did not already enjoy the navigation of this river. I said that they did; by the Act of June the 24th, 1822, they enjoyed it from the ocean to Quebec; and by that of the 5th of August, 1822, from any part of the territories of the United States to Quebec. But, from the fact of the Colonial Governments in Canada being invested with a discretionary power to withdraw the latter of these concessions, by excepting any of the Canadian ports from those to which our vessels were made admissible, it followed that our enjoyment of the navigation of this river was rendered contingent upon British permission. This was a

tenure not reconcilable, in the opinion of the Government of the United States, with the growing and permanent wants of their citizens in that portion of the Union, or with the rights of the nation. It was due to both these considerations, that it should stand upon a different tenure, and the time had arrived when it was desirable that the two nations should come to an understanding upon a question of so much importance.

"The British Plenipotentiaries next asked, whether any question was about to be raised on the right of Great Britain to exclude, altogether, vessels of the United States from trading with British ports situated upon the St. Lawrence, or elsewhere, in Canada? I replied that I was not prepared absolutely to deny such a right in Great Britain, to whatever considerations its exercise might be open. I remarked, also, that it seemed already to have been substantially exercised by this Act o fthe 5th of August, 1822; for, by its provisions, only certain enumerated articles were allowed to be exported from the United States into Canadian ports, and duties were laid upon these articles which might be said to amount to a prohibition. I added that, although the foregoing Act had not laid any duty on the merchandise of the United States descending

the St. Lawrence, with a view to exportation by sea, yet, that an Act of the preceding year did, viz. upon their timber and lumber, which made it highly expedient that the relative rights of the parties to the use of the waters of this great stream should be ascertained. I here went into a review of the footing upon which the trade between the United States and the Canadas stood under the stipulations of the treaty of 1794. The memorial from the inhabitants of Franklin County, in the State of New York, and the Report of the Committee of the House of Representatives upon that document, furnished me with the necessary lights for executing this duty, as well as for pointing out the injurious and burdensome operation of the act of the 5th of August, 1822. The latter act had superseded all the former conditions of this intercourse. With these conditions the citizens of the United States had been, I said, content; and, it was believed, that they had been found, on experience, satisfactory on both sides. The treaty stipulations of 1794, were among the articles of that instrument declared, when it was made, to be permanent; and so mutually beneficial had appeared to be their operation, that both parties continued, in practice, to make them the rule of their conduct for some years after

the war of 1812, until, by the Acts of Parliament just recited, Great Britain chose to consider the intervention of that war as putting an end to their validity. This state of things, by remitting each party to their anterior and original rights, rendered it manifestly incumbent upon the Government of the United States now to attempt to settle, by convention, or in some other manner, with Great Britain, the true nature of the tenure by which they held the navigation of this stream.

"Such was the character of the remarks by which I illustrated the propriety of adding to the two articles which I had offered for the regulation of the commercial intercourse between the United States and the British colonies, whether continental or insular, a third article relating exclusively to the navigation of the St. Lawrence. A third article will be found, accordingly, in this connexion, as part of our *projet* already referred to as annexed to the protocol of the third conference. Its stipulations were, that the navigation of the St. Lawrence, in its whole length and breadth to and from the sea, should be at all times equally free to the citizens and subjects of both countries; and that the vessels belonging to either party should never be subject to any molestation whatever by the other, or to the

payment of any duty for this right of navigation. After this unequivocal provision, it concluded with a clause that, regarding such reasonable and moderate tolls as either side might claim, and appear to be entitled to, the contracting parties would treat at a future day, in order that the principles regulating such tolls might be adjusted to mutual satisfaction.

"I deemed it most advisable to ingraft upon the article this principle respecting tolls, although it was not particularly mentioned in your despatch. In pursuing into their details some of the general principles which you had laid down, I was left under the impression that our title to navigate this river, independently of the consent of Great Britain, could be made out with more complete and decisive strength under the qualified admission of the claim to toll. The writers on public law had generally so treated the subject, and in some of the modern treaties, of high authority in our favour on the general question, the admission was also to be seen. I refer particularly to the fifth article of the treaty of peace of the 30th of May, 1814, between the Allied Powers and France, where, after providing for the free navigation of the Rhine to all persons, it is agreed that principles should be laid down, at a future Congress, for the collection of the duties

by the States on its banks, in the manner most equal and favourable to the commerce of all nations. In adverting to the claim of toll as a question only for future discussion, and one that might be of like interest to both parties (the British navigation of this river being obliged, in some parts, to pass close to our bank), and, moreover, where the claim, if advanced on either side, was to be made dependent, on sufficient cause being shown for it, I did not believe that I was losing sight of any principle of value to the United States in this controversy. The clause, I hope, will be found to have been too guarded in its terms to be open to such a risk.

"There was another point on which I felt more uncertainty. The navigation of this stream, although I believed it could be demonstrated to be the just right of the people of the United States, could not draw after it all its benefits to them, without a concurrent right of stopping at some point, or port, where both of its banks fell within the colonial territory of Great Britain. Upon what footing was I to treat this latter and subordinate question? Your instructions had not dealt with it, and I felt myself at a loss. It could scarcely be doubted but that, our right to navigate the river being established, Britain would, as matter

of international comity, and as an arrangement advantageous also to herself, allow us a place of entry for our vessels, and deposite for our produce, somewhere on its shores. She has so largely, of late years, been extending the warehousing system to all other nations, for their convenience and her own, that it might well be presumed she would not exclude the United States from a participation in it at Quebec, or elsewhere, at a suitable port in Canada. Yet I felt it to be a point of some delicacy, and, therefore, thought that it would be most judicious to leave it wholly untouched in my proposal. Another reason operated with me for this silence. As far as I was able to carry my investigations into the point, I found much ground for supposing that the right to the navigation of a river under the strong circumstances which marked that of the United States to the navigation of the St. Lawrence, would involve, as an incident, the right of innocent stoppage somewhere on their shores—an incident indispensable to the beneficial enjoyment of the right itself. By the seventh article of the treaty of Paris, of 1763, the free navigation of the Mississippi was granted to Great Britain; but without any clause securing to British vessels the privilege of stopping at New Orleans, then a French port, or at any other port or place on

any part of the shores. Yet the historical fact appears to have been, that Britain did use New Orleans as a place for her vessels to stop at, and this without any subsequent arrangement with France upon the subject. The case becomes still stronger if, afterwards, when New Orleans fell into the hands of Spain, the British continued to use it for the same purpose, contrary, at first, to the remonstrances of the Spanish governor of that town, which is also believed to have been the fact. I abstained, however, from asserting, in this negotiation, the subordinate right in question.

"On the principal question of our equal right with the British to the entire and unobstructed navigation of this river, I dwelt with all the emphasis demanded by its magnitude. I spoke of it as a question intimately connected with the present interests of the United States, and which assumed an aspect yet more commanding in its bearing upon their future population and destinies. Already the immense regions which bordered upon the lakes and northern rivers of the United States were rapidly filling up with inhabitants, and soon the dense millions who would cover them, would point to the paramount and irresistible necessity for the use of this great stream, as their only natural highway to the ocean. Nor was the question one of

magnitude to this part of the Union alone. The whole nation felt their stake in it, the Middle and the North more immediately, but all the rest by the multiplied ties and connexions which bound up their wants, their interests, and their sympathies, with the Middle and the North. It was under such a view of the immediate and prospective value of this navigation to us, that I first presented it to the notice of the British Plenipotentiaries as a question of *right*. I told them that they must understand this to be the sense in which I had drawn up the article upon the subject, and that it was the sense in which I felt myself bound, as the Plenipotentiary of the United States, to urge its adoption.

"I approach an interesting part of this negotiation, when I come to make known in what manner the British Plenipotentiaries received this disclosure. They said, that, on principles of accommodation, they were willing to treat of this claim with the United States in a spirit of entire amity; that is, as they explained, to treat of it as a *concession* on the part of Great Britain, for which the United States must be prepared to offer a full equivalent. This was the only light in which they could entertain the question. As to the claim of *right*, they hoped that it would not even be advanced; persisted

in, they were willing to persuade themselves it would never be. It was equally novel and extraordinary. They could not repress their strong feelings of surprise at its bare intimation. Great Britain possessed the absolute sovereignty over this river in all parts where both its banks were of her territorial dominion. Her right, hence, to exclude a foreign nation from navigating it, was not to be doubted, scarcely to be discussed. This was the manner in which it was at first received. They opposed to the claim an immediate, positive, unqualified resistance.

"I said that our claim was neither novel nor extraordinary. It was one that had been well considered by my Government, and was believed to be maintainable on the soundest principles of public law. The question had been familiar to the past discussions of the United States, as their state papers, which were before the world, would show. It had been asserted, and successfully asserted, in relation to another great river of the American continent, flowing to the south, the Mississippi, at a time when both of its lower banks were under the dominion of a foreign power. The essential principles that had governed the one case, were now applicable to the other.

"My reply was not satisfactory to the British

Plenipotentiaries. They combated the claim with increased earnestness, declaring that it was altogether untenable, and of a nature to be totally and unequivocally rejected. Instead of having the sanction of public law, the law and the practice of nations equally disclaimed it. Could I show where was to be found in either the least warrant for its assertion? Was it not a claim plainly inconsistent with the paramount authority and exclusive possession of Great Britain? Could she, for one moment, listen to it?

"I remarked, that the claim had been put forward by the United States, because of the great national interests involved in it; yet, that this consideration, high as it was, would never be looked at but in connexion with the just rights of Great Britain. For this course of proceeding, both the principles and practice of my Government might well be taken as the guarantee. The claim was, therefore, far from being put forward in any unfriendly spirit, and would be subject to a frank and full interchange of sentiments between the two Governments. I was obviously bound, I admitted, to make known, on behalf of mine, the grounds on which the claim was advanced, a duty which I would not fail to perform. I stated that we considered our right to the navigation of this river, as

strictly a *natural right*. This was the firm foundation on which it would be placed.

"This was the light in which it was defensible on the highest authorities no less than on the soundest principles. If, indeed, it had ever heretofore been supposed that the possession of both the shores of a river below, had conferred the right of interdicting the navigation of it to the people of other nations inhabiting its upper banks, the examination of such a principle would at once disclose the objections to it. The exclusive right of jurisdiction over a river could only originate in the social compact, and be claimed as a right of sovereignty. The right of navigating the river was a right of nature anterior in point of time, and which the mere sovereign right of one nation could not annihilate as belonging to the people of another. It was a right essential to the condition and wants of human society, and conformable to the voice of mankind in all ages and countries. The principle on which it rested, challenged such universal assent, that, wherever it had not been allowed, it might be imputed to the triumph of power or injustice over right. Its recovery and exercise had still been objects precious among nations, and it was happily acquiring fresh sanction from the highest examples of modern times. The parties to the European alliance

had, in the treaties of Vienna, declared that the navigation of the Rhine, the Necker, the Mayne, the Moselle, the Maes, and the Scheldt, should be free to all nations. The object of these stipulations was as evident as praiseworthy. It could have been no other than to render the navigation of those rivers free to all the people dwelling upon their banks; thus abolishing those unjust restrictions by which the people of the interior of Germany had been too often deprived of their natural outlet to the sea, by an abuse of that right of sovereignty which claimed for a state, happening to possess both the shores of a river at its mouth, the exclusive property over it. There was no principle of national law upon which the stipulations of the above treaties could be founded, which did not equally apply to the case of the St. Lawrence. It was thus that I opened our general doctrine. It was from such principles that I deduced our right to navigate this river, independent of the mere favour or concession of Great Britain, and, consequently, independent of any claim on her side to an equivalent.

"I abstain from any further recapitulation to you of the principles which I invoked, or of the authorities to which I referred, for a reason to be now mentioned. It will be seen by the first protocol, that our agreement had been to carry

on the negotiation by conference and protocol. This, the more usual mode at all times, was conceived to be peculiarly appropriate, where the subjects to be handled were so various, and their details, in some instances, so extensive. It was recommended, also—and this was of higher sway with me—by the example of the negotiation of 1818, in the course of which some of the same subjects had been discussed with this Government. Nevertheless, each party had reserved, under this agreement, the right of annexing to the protocol any written statement that might be considered necessary, as matter either of record or of explanation. In your instructions to me respecting this claim to the navigation of the St. Lawrence, a question wholly new, as between the two nations, you had adverted to my presenting it in writing, if necessary; and I determined, under all the circumstances, that I should not properly come up to my duty, unless by adopting this mode. The question was not only new, but of the greatest moment. I saw, also, from the beginning, that it would encounter the most decided opposition from Great Britain. In proportion as her Plenipotentiaries became explicit and peremptory in denying it, did it occur to me that it would be proper on my part to be unequivocal in its assertion. This could be

best done upon paper. This would carry the claim distinctly to the archives of this Government, rather than trust it to foundations more uncertain and fugitive. It would explain, as well as record, the sense in which it was inserted on the protocol. Another motive with me for this course, and scarcely a secondary one, was, that it would serve to draw from Great Britain, in the same form, a precise and full avowal of the grounds on which she designed to oppose the claim. On a question so large, and which, from all that I perceived to mark its first opening between the two Governments, could hardly fail to come under discussion again hereafter, it appeared to me that it would be more acceptable to my Government to be in possession of a written document, which should embody the opinions of this Government, than to take the report of them from me under any form less exact or authentic.

"I accordingly drew up a paper upon the subject, which, under the right reserved, I annexed (marked B) to the protocol of the eighteenth conference, and so it stands amongst the papers of the negotiation. The British Plenipotentiaries continued to urge their animated protests against this proceeding on my part; not that they could divest me of my privilege of recording my sentiments in the shape

of this written statement, but that they earnestly pressed the propriety of my abandoning altogether any claim to the navigation of this river, as a claim of right, which shut them out from treating of it upon other bases. But having taken my determination, under other estimates of my duty, I did not depart from it.

"The paper which I drew up aimed at presenting a broad but intelligible outline of the principal reasons in support of our claim. These were such as you had set before me, and as I judged to be immediately deducible from them. Under the latter, I included the argument on the Mississippi question, used by an illustrious individual, then the organ of our Government in its intercourse with foreign states. I considered this argument as virtually comprehended in your instructions, by the reference which they contained to it; the questions in both cases, so far as each drew support from the deep foundations of the law of nature, being the same. Of this luminous state paper I followed the track, adopting its own language wherever this could be done, as the safest, the most approved, the most national. The only view of the subject not elicited on that occasion, was one pointed out by the locality of the St. Lawrence. I will briefly explain this,

as I presented it to the British Plenipotentiaries.

"The exclusive right possessed by Great Britain over both banks of this river, was won for her by the co-operation of the people who now form the United States. Their exertions, their treasure, their blood, were profusely embarked in every campaign of the old French war. It was under this name that the recollection of that war still lived in the United States, a war which, but for the aid of New England, New York, and Pennsylvania, if of no more of the States, would probably not have terminated when it did, in the conquest of Canada from France. If these States were, at that epoch, a part of the colonial empire of Britain, it was nevertheless impossible to obliterate the recollection of historical facts, or exclude the inferences that would attach to them. The predecessors of the present inhabitants of those States, had borne a constant and heavy burden in that war, and had acquired simultaneously with the then parent State, the right of descending this stream, on the hypothesis, assumed for the moment, of their not having possessed it before; a right of peculiar importance to them, from their local position and necessities. It was to this effect that I noticed a title by *joint acquisition*,

as also susceptible of being adduced for the United States to the navigation of this river. There was at least a strong national equity in it, which would come home to the people of the United States, impressing them with new convictions of the hardship of now refusing them the use of this stream as an innocent pathway to the ocean. But, as I had not your elucidations of this view of the subject, I was careful to use it only in subordination to the argument of natural right. The latter I treated as sufficient in itself to make out our title, and repudiated the necessity of resorting to any other. I will own, however, that my dispositions to confide in the argument founded upon joint acquisition, was increased by the analogy which it appeared to me to bear to the course of reasoning pursued with Great Britain by my predecessor in this mission in relation to the fisheries. If our title to a full participation with Britain in the fisheries, though they were within the acknowledged limits and jurisdiction of the coasts of British America, was strengthened by the fact of the early inhabitants of the United States having been among the foremost to explore and use the fishing grounds, why was the analogous fact of their having assisted to expel the French from the lower shores of the St. Lawrence to be of

no avail? I had believed in the application and force of the argument in the one instance, and could not deny it all the consideration that it merited in the other.

"The necessity of my recounting to you the British argument in answer to our claim, is superseded by my being able to transmit it to you in their own words upon paper. It is sufficiently elaborate, and was drawn up with great deliberation. It is annexed (marked N) to the protocol of the twenty-fourth conference. The intention avowed by the British Plenipotentiaries at the nineteenth conference, of obtaining for its doctrines, before it was delivered to me, the full sanction of their highest professional authorities on matters relating to the law of nations, may serve to show the 'gravity and importance,' to repeat their own expression, which the question had assumed in their eyes. I have otherwise reasons for knowing that their argument was prepared under the advice and assistance of five of the most eminent publicists of England.* With all the respect due to a paper matured even under such auspices, I am not able to look upon it as impugning the argument which, under your direction, and fol-

* Lord Stowell, Sir Christopher Robinson, Dr. Lushington, Dr. Adam, and Dr. Phillimore. It was understood to have been also submitted to Lord Chancellor Eldon.

lowing the course of others before me, as well as taking such new views as the subject suggested, I had become the organ of making known on behalf of the United States.

"In several instances, the British paper has appealed to the same authorities that are to be found in mine. It is in the application of them only, that the difference is seen. In other parts, the difference is made to turn upon words rather than substance. But an error that runs throughout nearly the whole of their paper, consists in attributing to mine a meaning which does not belong to it. This applies especially to the particular description of right which we claim, how far it is one of mere innocent utility; how far a right necessary to us, and not injurious to Britain; how far a right which, if not falling under the technical designation of absolute, is, nevertheless, one that cannot be withheld--these are all qualifications that were not overlooked in my exposition of the doctrine, a light, however, in which the British paper does not appear to have regarded it. But as each document is now of record, and will be judged by the terms which it has used, and the construction that justly attaches to them, I will not enlarge upon this head.

"The British paper deals with our claim as

standing upon equal footing with a claim to the use of the roads, canals, or other artificial ways of a country, forgetting that the case in dispute is that of a natural stream forming the only natural outlet to the ocean, the stream itself being common by nature to both countries. Commenting upon the acquired title of the United States, which I had put forward under the restriction described, their paper argues that the same ground would justify a correlative claim by Great Britain to the use of the navigable rivers, and all other public possessions of the United States, which existed when both countries were united under a common government! By a like misapplication of obvious principles, it argues that our claim would also justify Britain in asking a passage down the Mississippi or the Hudson, though neither the one nor the other touch any portion of the British territories; or that it might equally justify a claim on her side to *ascend*, with British vessels, the principal rivers of the United States, as far as their draft of water would admit, instead of depositing their cargoes at the appointed ports of entry from the sea! On doctrines such as these, I could only say to the British Plenipotentiaries, that I was wholly unable to perceive their application to the argument, unless the United States had been

advancing a claim to the navigation of the river Thames in England.

"Their argument, also, assumes that the treaty stipulations of 1794, exclude all idea of a right, on our side, to the navigation of this river, forgetting that if, under those stipulations, vessels of the United States were interdicted the navigation of British rivers, between their mouths and the highest port of entry from the sea; so, on the other hand, British vessels were interdicted the navigation of the rivers of the United States, beyond the highest ports of entry from the sea; and, also, that the whole terms of the international intercourse, in that quarter, were, by this compact, such as, at the time, satisfied both parties, without impairing the rights which either possessed, independent of the compact, and which only remained in suspense during its existence.

"This observation suggests another, to which their argument is open in parts which they press as of decisive weight. It alleges, that, because by the general treaty of Vienna the Powers whose States were crossed by the same navigable rivers, engaged to regulate, by common consent, all that regarded their navigation; because Russia held by treaty the navigation of the Black Sea; and because of the many instances capable of being cited where the navi-

gation of rivers or straits, that separated or flowed through the territories of different countries, was expressly provided for by treaty; that, because of these facts, the inference was irresistible, that the right of navigation, under such circumstances, depended upon *common consent*, and could only be claimed *by treaty*. Here, too, it seems to have been forgotten, that it is allowable in treaties, as well as oftentimes expedient, for greater safety and precision, to enter into stipulations for the *enjoyment* or *regulation* of pre-existing rights; that treaties are, in fact, expressly declared, by the writers upon the laws of nations, to be of two general kinds, those which turn on things to which we are already bound by the law of nature, and those by which we engage to do something more. In their quotation, also, of the note from the first volume of the laws of Congress, containing an intimation that the United States could not be expected to yield the navigation of the Mississippi without an equivalent, they seem wholly to have overlooked, besides the other points of that note, that it was made at a period when it was well known that no part of that river touched the territories of a foreign power, and when, therefore, its exclusive navigation belonged to the United States as much so as the Delaware, or the Potomac.

"The foregoing are some of the remarks upon the British paper, which I submitted at the conference after receiving it. The first impressions that I had of my duty in regard to it, and, consequently, my first determination, was, to reply to it at large in writing, annexing my reply to the protocol. But, on more reflection, I deemed it most proper to abstain, at present, from this step. As a view of the whole subject given out under the immediate eye and authority of this Government, and with extraordinary care, it appeared to me that the British paper ought to come under the knowledge of my own Government, before receiving a formal or full answer from any source less high. If it be thought to require such an answer, a short delay could be nothing to the advantage of its being afforded, either through me, or my successor, in this mission, under the light of further instructions from home. The pause seemed the more due, not only from the newness of the discussion between the two Governments, but because I may not, at this moment, be sufficiently apprised of all the modifications under which mine may desire it to be presented in a second and more full argument. I hope that this forbearance on my part will be approved, as having been, under the exigency, the most circumspect and becoming course. I gave the British Plenipotentiaries

to understand, that the written argument on the side of the United States must not be considered as closed, but, on the contrary, only as opened.

"Finally, on coming to a conclusion on the general subject of our commercial intercourse with the British West Indies and their North-American colonies, whether by the way of the ocean or the St. Lawrence, it may be proper in me to recapitulate what I take to be the determinations of this Government in regard to it, at all points.

"1.—They will not give up the duty of four shillings and threepence sterling per ton, imposed upon our vessels by the order in Council of July, 1823.

"2.—They will enter into no convention or arrangement with us that does not recognise the principle embraced in the first article of their counter-*projet* annexed to the sixteenth protocol. I mean that which goes to place our produce imported into their islands upon the same footing in respect of duties as the like produce imported into them from any other *foreign* country. This term they adhere to, on the avowed principle of protecting and encouraging the produce of their own colonial possessions in North America.

"3.—They will not abolish the duties specified in Schedule C of the Act of Parliament of

the 24th of June, 1822, or those specified in Schedule B of the Act of the 5th of August, 1822.

"4.—They totally deny our right to the navigation of the St. Lawrence, declaring that they cannot treat of the subject upon such a basis.

"5.—They will be willing to repeal entirely, if not already done, all duties or charges whatever, whether imposed by Act of Parliament, growing out of colonial laws or usages, or in whatsoever manner existing, which go to subject vessels of the United States to any burden not common to British vessels; the repeal to extend to all the enumerated ports, without exception.

"6.—Though stating that they are not satisfied with the trade on its present footing, they are willing that it should have a further experiment; that is, to let it go on, the United States retaining their foreign tonnage-duty, and additional impost of ten per cent., and Great Britain retaining her tonnage-duty of July, 1823, and also an additional impost of ten per cent.

The protocols which have reference to the different branches of this whole subject are, the third, the ninth, the fifteenth, the sixteenth, the seventeenth, the eighteenth, the nine-

teenth, the twenty-fourth, and the twenty-fifth. I pass to another subject.

"II. BOUNDARY LINE UNDER THE FIFTH ARTICLE OF THE TREATY OF GHENT. This subject was, throughout, coupled by the British Plenipotentiaries with the one, the discussions respecting which, I have just been detailing, viz. the navigation of the St. Lawrence. Their reasons for this course, will be seen presently, though I did not acquiesce in their validity. I brought the subject before them by stating from the treaty of Ghent the duties which, under its fifth article, were to have been performed by the Commissioners of the two countries, in relation to this long unsettled boundary. I brought into view, from your instructions of the 25th of June, 1823, the many and essential points upon which the Commissioners had differed; 1st. upon where the north-west angle of Nova Scotia was situated; 2d. upon what was the north-westernmost head of Connecticut river; 3d. upon the meaning of the words in the old treaty of 1783, 'along the high lands 'which divide those rivers that empty them-'selves into the River St. Lawrence, from those 'which fall into the Atlantic ocean;' 4th. upon the admission of the general maps respectively presented by the agents of the two Governments, each objecting to the correctness of that

presented by the other, and pressing for the reception of his own; 5th. upon a proposal by the British Commissioner to send out surveyors to ascertain the correctness of the former surveys in regard to the points objected to in the maps presented by the agents; 6th. upon a demand made by the British Agent to examine upon oath the surveyors who made the maps, with regard to their correctness; 7th. upon the reception and entering upon the journals of a memorial of the British Agent, containing a statement of one of the British Surveyors, relating to the maps presented by the Agents; and 8th. upon the reception of a written motion by the British Agent, requesting leave to exhibit a memorial containing statements of the British Surveyors relating to the maps, and that the same might be entered on the journals. There were still other points upon which the Commissioners had differed, but the foregoing, as it was plain to see, embraced the chief ones. Neither of the two points, viz. the latitude and longitude of the north-west angle of Nova Scotia, nor the north-westernmost head of Connecticut River, the ascertaining of which had been the great object of the Commission, having been fixed, it had become impossible, I remarked, for the Commissioners to agree upon the map and declaration, which, by the stipulations of the Treaty of

Ghent, were conclusively to have determined the boundary, and that consequently, there was now no such map; whilst, to aggravate this difficulty, the general map produced by each side had been totally discredited by the other.

"I then recited those parts of the fifth article of the treaty of Ghent, under which, in conjunction with the corresponding clauses of the fourth article, provision is made for carrying the differences of the Commissioners, in case they failed to arrange this boundary, before some friendly sovereign for his decision; but added, that the Government of the United States, instead of adopting this course, desired to attempt a settlement of those differences by direct negotiation between the two countries, as heretofore proposed by the United States, and acceded to by Great Britain. Having thus opened our plan, I proceeded to expatiate on the topics enlarged upon in your despatch towards its elucidation and support. I pointed to the formidable embarrassments which surrounded the subject on all sides, in its present actual state, regarded as one to be settled by an umpirage; to the necessity which would be devolved upon the sovereign, of deciding upon a boundary of at least six hundred miles in extent, through a half-discovered country, which the parties themselves, after six years of

laborious investigation, had altogether failed to fix, assisted too, as they had been, by able surveyors, geographers, astronomers and agents; to the various questions of construction of ancient charters, treaties, and proclamations, into which he would have to travel; to the controversies between France and England, prior to the cession of Canada to the latter, with which he must become familiar; and to the immense volume of documents produced by the labours, scientific, argumentative, or practical, of the Commissioners, and those who acted in co-operation with them, which he would have to peruse. I forbear to go further with a recapitulation of the difficulties, as I omitted none that your despatch had laid before me; and, above all, did not omit to state, that, to the appalling train of them, would be added, that of the sovereign having to choose between maps that had alike been discredited by both parties. It was to avoid all these difficulties, and the uncertain results that might, and probably would, hang upon them, if the differences were carried before an arbitrator, that my Government had charged me, I said, with the duty of now submitting, in a distinct and formal manner, the proposal for settling them by direct negotiation.

"This proposal I accordingly prepared and

offered in the shape of a written article, [marked D] annexed to the protocol of the ninth conference. The article, after reciting that the Commissioners under the fifth article of the treaty of Ghent, for ascertaining the latitude and longitude of the north-west angle of Nova Scotia, and the north-westernmost head of Connecticut river, and for surveying that part of the boundary-line between the dominions of the two Powers, which extends from the source of the river St. Croix, directly north, to the above north-west angle of Nova Scotia (and so on, pursuing the words of the treaty), had not been able to agree, and also reciting, that it was the desire of the parties, instead of referring their differences to the arbitration of a sovereign, as provided by the treaty, to endeavour to settle them by negotiation between themselves, went on to stipulate that the parties would accordingly negotiate on them at Washington; and further, that in the course of such negotiation they would receive, if necessary, the maps that had been respectively submitted and used by the Commissioners of each nation, but that none that had been used on the one side should be received or used to the exclusion of those used on the other. Such were the terms of my proposal, which I trust will be thought to have embodied,

with sufficient care, your directions in relation to this subject.

"The British Plenipotentiaries, after hearing my proposal, and the reasons that had been given in its support, though not accepting it, did not object to the principle of compromise. They declared, however, that, if ever they did enter into any regular agreement to settle the question by negotiation or compromise, it must, in their view, contain a clause that, this mode of settlement failing, that by arbitration under the treaty was still to be retained as the right of the parties. They expressed their concurrence in opinion as to the difficulty which there might be in submitting differences of such scope and complication to the arbitration of a sovereign, and wished, if practicable, to avoid resorting to this plan. What they desired, under present circumstances, was, that Great Britain should be allowed to settle the several disputed points which had arisen under the fifth article of the treaty of Ghent, by going into them on principles of mutual concession, *in connexion with the claim of the United States to the navigation of the St. Lawrence.* They distinctly submitted this proposal to me, which, however, was not given in writing, further than as it will be seen in the seventeenth and eighteenth protocols.

"To this proposal I made immediate objections, as both new and unexpected. I admitted no connexion between the two subjects. How could I consent to treat of them conjointly, on the basis of mutual concession, when the United States expressly claimed the right of navigating this river, independent of all concession? The subjects were distinct, and would not, I expressed a hope, be coupled by the intervention of a principle wholly alien to the one, and not admitted by my Government to have any application to the other.

"The British Plenipotentiaries, always renewing their pointed denials of our *right* to the navigation of the St. Lawrence, said, that they had coupled these subjects because of their affinity under the general head of boundary, some of the disputed points under the fifth article of the treaty of Ghent being, as to locality, contiguous to that part of the St. Lawrence which flows through the British territories. This was one of their reasons. Another and stronger one was, that they were prepared to make offers, which they would describe as founded upon a most liberal and comprehensive view of the wishes and interests of the United States, in relation to the differences under the fifth article of the treaty of Ghent, in connexion with offers of the same

character, in relation to the navigation of the St. Lawrence, provided we were prepared to treat of the latter on the footing of *concession* by Great Britain. By having both the questions under our hands at the same time, they urged the greater probability of our being able to settle both, and expressed their belief that, by thus multiplying the materials of compromise, we might arrive at a speedy and satisfactory arrangement on both subjects. They therefore hoped that I would accede to their wish of coupling these two subjects together in the manner that they proposed.

"I repeated my objections to their proposal, declaring that my instructions did not permit me to hesitate a moment in rejecting it. The boundary question was one that stood upon its own foundation. No other had been coupled with it by my Government, and I could not consent to treat of it with any other, where the connexion was confessedly to impair the equal ground of the United States as soon as the principle of compromise was admitted. The boundary question, too, besides being detached and independent, was, in its nature, peculiarly ample. The materials of compromise existed within its own limits, rendering it unnecessary therefore to seek in a new subject what was already at hand. The association

of another subject with it, and that subject the navigation of the St. Lawrence, would be open to the danger of producing further collisions, full as much perhaps as any enhanced prospect of an easy arrangement. Besides, I remarked, was the agreement heretofore signified by Great Britain to attempt the settlement of this question of boundary by direct communication between the two Governments without the association of any other with it being at that period so much as thought of,—was this to be overlooked? Here, I recalled to the British Plenipotentiaries what had passed between Lord Londonderry and me upon this question, and at a subsequent conference I read to them those parts of my despatches of February the 11th, and April the 6th, 1822, which detailed it to you. It was in this manner that I met the proposal of joining the two subjects upon the terms intimated.

"The British Plenipotentiaries, repeating their opinion that the junction would be likely to accomplish results satisfactory to both sides, said, that they had neither the desire nor intention of overlooking any past agreement upon this subject with which their Government might be chargeable. They then asked whether, in case they were willing to go at once into the boundary question, as one by itself, I was

prepared to make to them any specific offer for a settlement. I replied that I was not. My Government had not looked to a settlement of the question here at the present moment, by any offers to be made through me. Nor had it at any time contemplated the submitting of offers merely to be accepted or rejected by this Government, but only to be received on the principle of negotiating, and it was to secure a negotiation upon the entire subject, that I had drawn up the article that had been given to them. I had occasion to perceive, that the British Plenipotentiaries reverted to the same construction of their acceptance heretofore of our proposal of attempting an adjustment by direct communication as that suggested to you by the British Minister in Washington. They did not appear to consider that it charged this Government with the obligation of a regular and formal negotiation upon the point, but only with that of receiving from us, and considering an offer of a boundary line by compromise, which they still professed their readiness to do. I said that the United States were not prepared at present to make this offer, to say nothing of their objections to making it at all, under the uncertainty of whether or not it would be received on the principle of negotiating; and I laboured

to show the latter to have been the true spirit of the past agreement. Certainly it was that, I said, in which it had been understood on our side. But, under the turn which the question of the St. Lawrence had taken, I found the British Plenipotentiaries unwilling to give to their past agreement any larger meaning than that to which they considered themselves pledged by their own understanding of its terms; and although I continued to the last to press upon them the acceptance of my proposal, in the form annexed to the ninth protocol, I was not able to succeed.

"They asked whether, in case *they* were to submit to me an offer of a boundary by compromise, I was prepared to conclude anything under such an offer. To this, too, I replied, that I was not. They next inquired, whether I was prepared to conclude arrangements with them which, in their opinion, must accompany any mere agreement to settle the disputed points by compromise. I answered, that this would depend upon the particular nature of the arrangements. I had already, myself, put forward a formal proposal, intended to effectuate, through negotiation, this end. If this proposal had proved objectionable in any points where the option of modification might rest with me, I would willingly take into consideration counter-

proposals having in view the same end. Understanding, however, that any counter-proposals from them, if submitted at this juncture, would contain at least some allusions to the question of the St. Lawrence, I said that I would decline the conclusion of any previous arrangement upon the subject.

"It will be seen, from all that I have said, how constant and earnest a desire was manifested by the British Plenipotentiaries to blend these two questions, and how constantly I felt it my duty, under every aspect, to keep them asunder. I have stated also, that, on the supposition of their being joined together as elements of accommodation, the British Plenipotentiaries remarked, that they were prepared to make offers, founded (I use their own words,) 'on a most liberal and comprehensive view of 'the wishes and interests of the United States,' in relation to both. Such a declaration could not fail to excite my attention. I was aware, indeed, that Britain might make offers which she would, doubtless, believe to wear this character of benefit to the United States, without the United States being laid under the same convictions,—so different an estimate might each party form of what was its due. Yet, the expressions were strong; and, although I felt that I could accede to nothing whatever myself,

coupled with the principle of compromise that had been avowed, I nevertheless thought that there might be some propriety in knowing, for the information of my Government, the nature of the offers which professed, and in terms so strong, to bear upon the interests and wishes of the United States. I therefore said to the British Plenipotentiaries, that I should be glad to be made acquainted with them, not in a way pledging this Government to any ulterior step, but merely as offers that would have been made, in case I had expressed a willingness to receive them upon the condition from which they were not to be severed. They asked, what progress I supposed would be made towards a settlement by a compliance on their part with my request. I replied, none at present; but that I would transmit their offers to my Government, in the light of an incidental fact evolved in the course of the negotiation; and, so far, it might be proper, and possibly useful, that I should know them. They next asked whether I could undertake to give them any reasonable assurance that my Government, on receiving them, and finding them satisfactory and advantageous, would be disposed to take them into consideration under their essential condition of our claim to the navigation of the St. Lawrence, as a *right*, being waived. I replied that I was

wholly unauthorized to give them the slightest assurance to that effect. This closed my endeavours to obtain a knowledge of their offers, which, as will be inferred, were, in the end, not communicated to me. In the course of the remarks to which these endeavours led, I did not scruple to express the belief I entertained, that my Government looked forward with a well-grounded and even confident hope to the negotiation on the boundary question alone, terminating on a principle of compromise, in a manner satisfactory to both nations.

"All attempts, under present circumstances, to put the case into an effective train of settlement, either by direct offers of compromise, or by an agreement to negotiate on that principle, having thus failed, the plan of arbitration next presented itself for consideration. I thought, at one time, that the British Plenipotentiaries designed to press an immediate resort to this plan. I informed them, in reply to their own inquiry, that I was prepared, if they insisted upon it, to enter upon the necessary steps for the selection of a sovereign as arbitrator. I again dwelt, however, upon the extreme difficulty, not to say impossibility, which, in the opinion of my Government, there would be, under existing circumstances, in going on with an arbitration. How, I asked, was it even to be

begun? Was this Government prepared to furnish a statement of the case proper to be laid before the arbitrator, and which would, at the same time, invite the concurrence of the United States? In regard to the first idea, I reminded the British Plenipotentiaries of the mutual complaints and recriminations, often sharp and angry, which it was alike to be admitted and lamented, were too profusely to be found among the elaborate journals and other proceedings of the commission, and over which it might be supposed that each nation would rather desire to draw a veil than publish more largely to the world.

"This feature in the complicated transaction, formed, indeed, one of the many reasons for not resorting to an umpirage at all, and so I had been instructed to declare. But, this objection removed, how, I asked, in the second place, would Britain prepare her statement in a manner to be acceptable to the United States? Upon what maps would it be founded? Not upon those used by the United States, for to these Britain objected; not upon her own, for to these the United States objected; and there was no common map which could reconcile these discordant opinions. My own Government, I added, would have performed the task of drawing up a statement, but for this diffi-

culty about the map; not the only one, however, but a difficulty common to both parties, and which met them at the very threshold. It was thus that I addressed the British Plenipotentiaries when we spoke of arbitration.

"I perceived, to my surprise, that they were under an impression, at first, that no statement at all was necessary; and perhaps, under the treaty of Ghent, might not even be admissible. They quoted the words of the fourth article, that run as follows, viz.—'that in the event of 'the two Commissioners differing upon all or 'any of the matters so referred to them, or in 'the event of both or either of the said Com-'missioners refusing or declining, or wilfully 'omitting, to act as such, they shall make, 'jointly or separately, a report or reports, as 'well to the Government of his Britannic Ma-'jesty, as to that of the United States, stating, 'in detail, the points on which they differ, and 'the grounds on which their respective opinions 'have been formed, or the grounds upon which 'they, or either of them, have so refused, de-'clined, or omitted to act. And his Britannic 'Majesty and the Government of the United 'States, hereby agree to refer the *report* or '*reports* of the said Commissioners to some 'friendly Sovereign or State, to be then named 'for that purpose, and who shall be requested

'to decide on the differences which may be 'stated in the said *report* or *reports*, or upon 'the report of one Commissioner, together with 'the grounds upon which the other Commis- 'sioner shall have refused, declined, or omitted 'to act.' From the tenor of the article, as thus quoted, the British Plenipotentiaries said, that they rather inferred it to be the intention of the treaty, that it was the *report* itself, as the authentic and official document, and not a statement framed out of the report, that was to be laid before the arbitrator. It was to the source itself that he was to look for his information, not to anything derivative.

"I replied, that I considered this by no means the true, certainly not as the imperative construction of the treaty. The statement indicated by my Government, as proper upon the occasion, was to be nothing more than an abstract to be made, by consent of both parties, from the report, presenting, in a succinct and intelligible form, to the arbitrator, the points on which he was to decide, and drawing his attention to such parts of the report as might especially call for his investigation. It was not to supersede the report, but to be something in addition to it. The parties were surely competent to adopt, by mutual agreement, such a measure. It would be obviously a convenient,

if not an indispensable form, by which to secure to their case a ready and advantageous hearing. I admitted that I could not advert to the precedent of the statement prepared when the slave question was submitted to the Emperor of Russia, as governing, in this instance; for, in that case, the arbitration had not taken place under any provision in the treaty; but I insisted that the cases were analogous in reason, the measure being designed chiefly, and in this light imperiously due, to smooth the labours, difficult as they must needs be, with every mitigation of the umpire.

"The British Plenipotentiaries, without pushing the argument on this point further, now inquired whether, if they were disposed to waive whatever right they might have under the treaty to object to the necessity of a statement, and prepare one after their own understanding of what it should contain, I was empowered to accede to it, without any reference home to my Government. Here, again, I could only give them a reply in the negative. My Government, I said, had not anticipated such a step by me. I had been fully written to on the whole subject, but was not now in possession of the multitude of documents that belonged to it. I could not, therefore, be supposed to be armed with the means of fitly judging of their state-

ment. My sole duty respecting it would be to transmit it to my Government, and I subjoined, that how far it would prove acceptable to my Government must depend, in a great degree, on the map that was used in drawing it up. Upon this point, important as it is, I was not able to obtain from the British Plenipotentiaries any explicit declaration of their intentions, nor did they incline to take any steps with me towards the concurrent selection of an arbitrator. They admitted that difficulties would lie in the way of their furnishing me with any statement at this juncture, that would be likely to be satisfactory to my Government, and thought that no time would be lost by their forbearing at present to offer one.

"In the course of our conversations on the mode of carrying the arbitration into effect, I always, as I have already mentioned, held up, in the strongest lights in my power, the numerous, the intrinsic, the insuperable obstacles presenting themselves on every side to a practical resort to this mode of adjustment. Your despatch had abundantly supplied me with matter for doing so, and I was not sparing in the use of it. Amongst other topics which I advanced, was that of the full belief of my Government that the case, from its great bulk and entanglement, would be altogether

beyond the compass of the personal attention of any arbitrator. Towards deciding upon this extensive boundary in unsettled regions, and on all the points of difference involved in it, it would become, I said, a part of his duty to examine thirty folio volumes of manuscripts at the least, made up of conflicting statements, conflicting arguments, conflicting opinions. He would have besides to hunt for the lines of his award, if ever he should arrive at one, by the light of three collections of conflicting maps! Would it be proper, I asked, to approach any sovereign with an enumeration of these details of duty, for his own immediate personal occupation; or could his compliance, on such terms, be in candour expected? Hence, the suggestion of my Government was, that the investigation, if gone into at all by an umpire, must be by delegated authority; by a person or persons commissioned by the umpire to report to him a decision founded upon a full examination of the whole case, to which decision it would be enough that the umpire annexed his formal sanction. I added that, as the simplest way of carrying this suggestion into effect, it had occurred to my Government, that the Minister-Plenipotentiary of the sovereign arbitrator residing at Washington should be charged with this delegated trust in such

manner as would render its execution effectual. The British Plenipotentiaries made immediate objections to this course. They said that if a settlement by umpirage was finally forced upon the parties, their opinion was that it should take place at the Court of the Sovereign Arbitrator, leaving him to seek there all such instrumentality and assistance in the case, as might be proper towards its investigation and decision. From the tone in which they urged this opinion, I am left under the belief that it is one from which their Government would not depart.

"It will be perceived, from my foregoing Report, that this Government has manifested a reluctance, which I was incapable of overcoming, at entering into any distinctive agreement at present, upon any one of the preliminary points which you had given me in charge relative to this question. The ground of their reluctance is obviously to be sought in their disappointment at my not consenting to connect it with the question of the St. Lawrence. As they not only declined coming into all agreement for settling the former question by compromise, but also coming into any of the previous arrangements indispensable for ripening it into a state for arbitration; what, I inquired, was to be done? Was the case to stand still? Was it never to be settled? I knew of no mode by which it

could be brought to a close, except the two preceding. The British Plenipotentiaries replied, that they must not be understood as finally declining a resort to either mode of settlement; but they did not withhold an expression of their strong desire that the case should rest where it is, until my Government had become apprised of the discussions relative to the St. Lawrence, the nature of which, from their being until now new between the two nations, could not as yet be known. They wanted my Government, at least, to be made acquainted, before proceeding any further, with their desire to treat of the two subjects in conjunction, and upon the terms which they had explained. I would not, of myself, have consented to this course, not feeling at all at liberty; but was not able to prevent it. I reconcile myself to it under the reflection, that possibly something may be thought due, all the circumstances considered, to this desire of Great Britain; and under the hope, that the slight additional loss of time thus incurred, may bring with it no peculiar inconvenience over a question that has already been pending since the Revolution. Having put you in possession of all the discussions which passed on it, and shown you the predicament in which it now stands, unsatisfactory, I must own, I go on to the consideration of another subject. The protocols relating

to it are, the ninth, the seventeenth, the eighteenth, and the nineteenth.

"III. ADMISSION OF CONSULS OF THE UNITED STATES INTO THE BRITISH COLONIAL PORTS. My Report upon this subject will be shortened, by the communications which I have already had the honour to address to you at former periods, in relation to it. I allude more particularly to my despatches, Nos. 343 and 352, of November and December, 1823, and to my official note to Mr. Secretary Canning, of the 17th of November, 1823. In that note, written after I had received your despatch of the 26th of June, 1823, I found it necessary to execute, in a great degree, the instructions which your despatches contained. This Government, during the negotiation, as well as when the correspondence, above alluded to, took place, always considered the subject of appointing Consuls to reside in their colonies, as connected with that of the commercial intercourse generally; and here I agreed that the connexion was a natural one. It was evident, that, but for the opening of the colonial ports to our trade, we should not have asked for the privilege of appointing Consuls to reside at them; and if, by any circumstances, they were again to be closed, it was equally evident that our claim to consular representation would be at an end.

"The consular appointments made by the President for Jamaica, St. Christopher's and Antigua, Demerara, and Barbadoes, had been sufficiently explained and justified to this Government, in the course of my communications above mentioned, in conjunction also with my number 349, which covered another official note from me to Mr. Canning, upon the same subject. Nevertheless, I did not omit to bring before the British Plenipotentiaries all the circumstances of this correspondence. They were particularly pertinent to our discussions on the question of commercial intercourse, which had hinged so entirely on the point of reciprocity, and throughout the whole course of which it had been the aim of each party to exonerate itself from any charge of deficiency in this important point, if not to fix that charge upon the other. I remarked upon the fact of our trade to the opened colonial ports having now continued for two years without a single Consul on the part of the United States having, to this day, been recognised in any one of them, though at least three of those who had gone there and presented themselves for recognition had been appointed under the previous and express consent of his Majesty's Government; whilst, on the other hand, during the whole of this period, the British trade

from those ports had been receiving full consular protection from the Consuls of Great Britain in the ports of the United States. In this, at least, it must be admitted there was no reciprocity. Nor was the absence of it cause of mere nominal complaint on the part of the United States. And here I brought into view, from your despatch of the 26th of June, 1823, the practical inconveniences, especially in the Island of Barbadoes, to which our trade had been subjected, in the opened ports, on occasions which probably would not have occurred, had Consuls from the United States been residing there. The British Plenipotentiaries met this complaint in the manner their Government had formerly done. They said, that when their consent had been given for appointing Consuls at three of the colonial ports, it had been given under an expectation by Great Britain, that the United States would carry on the trade on terms that were reciprocal; but that afterwards, finding the terms to be such as Great Britain did not consider reciprocal, she forbore to perfect the appointments until the issue could be known, apprehending that the effect of new retaliatory measures on either side, would soon be, to put an end to the trade altogether. I rejoined, that, whatever motive deemed by herself suffi-

cient, though not so regarded by the United States, Britain might allege for her course of conduct in this particular, it did not destroy the broad fact, or lessen the evils arising from it, of Britain having enjoyed the advantage, during the two years of this trade, of full consular representation in the ports of the United States, whilst the United States had enjoyed none in the British ports.

"On the principal question of the claim of the United States, to appoint Consuls for the colonial ports, I took the ground which you had laid before me, and heretofore maintained in my note to Mr. Secretary Canning, of November the 17th, 1823, as well as in the one which I first of all addressed to him on this subject, on the 17th of October, 1822; namely, that our claim extended, not to any specified number of the colonial ports, but to all, without exception, that had been opened by the Act of Parliament, of the 24th of June, 1822. This was the ground which I pressed upon the attention of the British Plenipotentiaries. It was the only ground, I said, which, in the true sense of reciprocity, and therefore, in the true sense of justice, could be supposed to be satisfactory to the United States. As they gave all, so it was reasonable that they should ask all. The United States excepted none of their ports

to which the British colonial vessels resorted, from the residence of British Consuls, and had a fair right to expect that none of the colonial ports to which American vessels resorted, would be excepted from the residence of American Consuls. Consular protection was an incident of trade, which the United States did not feel at liberty to forego in behalf of their citizens, so long as they allowed it to be enjoyed in their ports, without limit or exception, by the subjects of Britain. It satisfied neither the real, nor even the verbal, meaning of the term reciprocity, in this discussion, to say, that the residence of British Consuls in the ports of the United States, was matched by the residence of American Consuls in the ports of Great Britain, in Europe. It was palpable that, if a British ship, whether arriving from Liverpool or Barbadoes, received consular protection at New York, and an American ship received it at Liverpool, but not at Barbadoes, there was no reciprocity in fact, whatever artificial reasons might justify Britain to herself, in distinguishing, in this respect too, her colonial from her home dominion. The only true match to the privilege on the one side, would be the extension of it to all the ports that were open, whether home or colonial, on the other.

"The United States, I continued, in claiming

to appoint Consuls for all the colonial ports, meant not to make an unreasonable use of the privilege; and so I was instructed to declare. But the privilege of selecting the ports must rest, I said, exclusively with the United States. Their consular system did not recognise any fixed emoluments as the standard of remuneration for their Consuls, but left it to depend upon the fees produced by trade. Hence, in the ports to which trade flowed, Consuls were necessary, and to those where there was none, it was not to be supposed they would be sent, or so much as consent to go. But as the channels of trade were liable to shift, there was a manifest convenience and propriety, on this, and all other accounts, in leaving the selection of the ports to the sound discretion of the appointing power. Such were my remarks upon this subject, in addition to those that I formerly made, orally and in writing, to Mr. Canning. I did not, in conclusion, offer any formal article in relation to it; first, because I thought it unnecessary, after the aspect which the negotiation had assumed on the primary question of the commercial intercourse itself; and, secondly, because I had been informed in your instructions, that the President was not tenacious of any article relating to Consuls being inserted in a commercial convention, if one had been

formed. But, I gave the British Plenipotentiaries fully to understand the true nature of our claim, and, that it would not in any wise fall short of the privilege of appointing for all the opened ports.

"They consented, substantially, to this principle, as will be seen by the protocol of the twenty-fourth conference. Their expression in it, that they saw no objection to the admission of our Consuls into their colonies, 'subject to the usual exceptions and reservations,' means, that both parties were to be considered as reserving to themselves the privilege of excepting from the residence of Consuls, such particular places as they might think proper. This they explained to be their meaning. The same reservation had place in the sixteenth article of the Treaty of the 19th of November, 1794; which was pointed out to me, by you, as the model of an article, on the present occasion, had one been framed. It also exists in the fourth article of the commercial convention, of the 3d of July, 1815; which article is indicated by the British Plenipotentiaries, as the model, in the fifth article of their own counter-*projet*, annexed to the protocol of the sixteenth conference. The two articles on this subject, in the Treaty of 1794, and in that of 1815, are so much alike, that they might be adopted, indis-

criminately, as models; the latter being a copy, with only slight variations, from the former. In my note to Mr. Canning, of the 17th of November, 1823, I had reminded him, that, in case Great Britain excluded American Consuls from the ports of the colonies, the United States would have to reserve the right of excluding from consular benefit in their ports, all British vessels and seamen arriving from the colonies. So, also, I reminded the British Plenipotentiaries, that the United States would have to protect themselves, by a similar reservation, to an extent, co-equal with that to which Britain might use her option of excepting from the residence of our Consuls, particular places in her colonies, there being no other appropriate mode by which we could countervail on our side this right of exception on hers, so far as regarded her colonies.

"It will be seen from the twenty-fourth protocol, that Britain continues to decline, for the present, receiving our Consuls in any of her colonial ports. She acts, in this respect, under an impression that there is danger of the intercourse between these ports and the United States being soon wholly interrupted. She waits the disappearance of this danger before she recognises our Consuls, as its reality would, according to her way of reasoning, render their

recognition of little value. It was in vain that I urged the justice of recognising ours at once, so that we might be upon a par with Great Britain *until* ulterior events were known. If her tonnage-duty of four shillings and three-pence sterling per ton, on our vessels entering her colonial ports, and her additional impost of ten per cent. be met by countervailing duties on our side, as I was forced, for the reasons given in another part of this despatch, to intimate my belief would be the case, her Plenipotentiaries have informed me that it will lead to fresh measures, of the same character, on her side; thus bringing on a state of things, that can only terminate in rendering the trade no longer worth the pursuit of either country. If, on the other hand, the trade remains as at present regulated, without any alteration by either party, although Britain, as I have had occasion to remark before, alleges that she is dissatisfied with it; she will let it have a further trial, and, in this event, will receive our Consuls on the terms mentioned in the twenty-fourth protocol. This she will do, as I understand her intentions, notwithstanding the tenor of the fifth article of her counter-*projet*, above-mentioned, which would seem to make her consent to the reception of our Consuls dependent upon our acceptance of her four preceding articles.

I believe, moreover, that she would raise no obstacle on the score of expense, but grant to our Consuls exequaturs free of all charge, as we grant exequaturs to hers. This point I mentioned to the British Plenipotentiaries, and to its obvious justice they took no exception. There remains nothing further for me to impart to you on the subject. The protocols that relate to it, are the twenty-third and the twenty-fourth.

"IV. NEWFOUNDLAND FISHERY.—This subject was thrown out of the negotiation altogether. I was not the less mindful, however, of your instructions upon it, and the subject must be now explained. I brought it under the notice of the British Plenipotentiaries at the tenth conference. I gave them a full history of the question from its origin. I stated the grounds of complaint which the United States had against France, as shown by the bare statement of the relative rights and pretensions of the two nations to the fishery in dispute. I stated the past unwillingness of France to do us justice, and the obligations hence arising to Great Britain to interpose her friendly and efficacious offices, to the end that justice should be rendered to us. From your despatch of the 27th of June, 1823, I also stated the motives which had restrained the President, until the

present epoch, from laying this case before the British Government,—motives that I felt sure would be appreciated, and that would increase the claims which it now had to attention. The case being wholly new until now, in any formal shape, to this Government, and being one which involved also the duties and the rights of a third Power, I thought that it would be most proper not to content myself with a verbal explanation of it merely. Having, therefore, gone through with this, under the lights which your instructions and my own past investigations of the subject had afforded, I finished, by delivering to the British Plenipotentiaries a paper, embracing a written summary of its merits, and one which might serve as a memorandum to Great Britain, of the true nature of our claim. This paper consists of a synopsis of the question which I had formerly made out from Mr. Gallatin's letter to me of August the 3d, 1822, together with a reference to the correspondence subsequently carried on by the United States and France in relation to it. It is amongst the papers of the negotiation, marked E, and annexed to the protocol of the tenth conference. It commences with references to the different treaties; that of Utrecht, in 1713; of Aix la Chapelle, in 1748; of Paris, in 1763; our own with Britain, in 1783; that

between Britain and France of the same year, and the treaty of Paris of 1814, also, between Britain and France; all of which go to show that, whilst France possessed the right of taking fish on the western coast of the island of Newfoundland, she did not possess it, as she now claims it, exclusively; but that Great Britain, the undoubted sovereign of the island, held it in common with her. It next recites the first article of the convention of the 20th of October, 1818, between the United States and Great Britain, by which the people of the United States are expressly allowed to take fish on the western coast (and on other parts) of this island, in common with the subjects of Great Britain. It then states the fact of the cruizers of France having, in the years 1820 and 1821, ordered American fishing-vessels away from this coast, even whilst they were within the acknowledged jurisdiction of the island, threatening them with confiscation if they refused. Finally, it concludes with pointing to the threefold duty which devolved upon Great Britain, under the emergency described; 1st, To make good the title of the United States to take fish on the coast in question, as stipulated by the convention of 1818; but, 2d, if she could not do that, to give the United States an equivalent for the loss of so valuable a right; and, 3d, to vindi-

cate her own sovereignty over this island, already impaired and further threatened by the conduct of the French cruizers towards the fishing-vessels of the United States within its jurisdiction. The paper subjoined copies of all the official notes that passed between Mr. Gallatin and Viscount Chateaubriand, in January, February, and April, 1823, on the respective rights of the two nations to the fishery in controversy.

"The British Plenipotentiaries, after having this paper in their possession, and consulting, as they informed me, their Government respecting it, entered upon the matter of it at the next succeeding conference. They said that it was not their intention to controvert the title of the United States to participate with Great Britain in certain fishing liberties described in the first article of the convention of 1818. They said, too, that the United States might require a declaration of the extent of those liberties as enjoyed by British subjects under any limitations prescribed by treaty with other Powers. The United States might also ask from Britain, as sovereign of the island of Newfoundland, support in the enjoyment of the liberties, as so limited. But, the Plenipotentiaries went on to remark, that the nature of the question seemed, in their opinion, to be varied, by France having, as seen

in the notes of Viscount Chateaubriand to Mr. Gallatin, placed her claim to exclude the United States from the fishery in dispute, on engagements contracted by the United States with France prior to the Convention of 1818, and also on the fact of the United States having opened discussions upon the whole subject with France. They further remarked, that they had understood, from one of their own negotiators of the Convention of 1818, that the American negotiators had been apprised at that period by Great Britain, of the French right to fish on this coast. At all events, they said that, as the subject stood, they must decline entertaining it as one susceptible of being handled in any effective way, at present, in this negotiation. Whatever rights or remedies the United States were entitled to from Great Britain upon the occasion, could be brought into view, if thought necessary, by a direct application to the British Government, in the usual form. With this intimation, they would consider the subject, for so they concluded with saying, as no longer upon the list of those which it was the object of our endeavours to mould into a general treaty or convention between the two States.

"I said to the British Plenipotentiaries, in reply, that I had certainly not anticipated all the above avowals. I did not admit that the fact of the

United States having opened a correspondence upon this subject with France, could diminish, in any degree, their right to resort to Great Britain, remarking that it could scarcely have been expected that a forbearance on their part to appeal to this resort in the first instance, from considerations of delicacy, both towards Britain and France, was now to be turned against them. Forbearance had been due to France, at first, to avoid the appearance of recurring, on a question between her and the United States, to the aid of a third power; and to Great Britain it had been due, as it was hoped, that the case might have been settled without putting her upon her duty of interfering. As little did I admit the allegation of the French Government, that the United States were excluded from this fishery by their previous engagements to France, was entitled to any weight. These engagements, I said, had been made under treaties long since expired, and the provisions of which were otherwise nugatory as to any just bearing upon this controversy. Here I adverted to the arguments used by Mr. Gallatin in reply to the notes of the Viscount Chateaubriand, relative to the operation of the tenth article of the Treaty with France of 1778, and of the twenty-seventh article of the Convention with her of 1800; arguments which completed the demonstration, as

you had remarked in your despatch, that the pretension of France to an exclusive fishery was not to be supported. I admitted, as one of the American negotiators of the Convention of 1818, that we had heard of the French right at that time, but never that it was exclusive. Such an inference was contradicted not only by the plain meaning of the article in the Convention of 1818, but by the whole course and spirit of the negotiation, which, it was well known, had been drawn out into anxious and protracted discussions upon the fishery question. As regarded the arguments of Viscount Chateaubriand, I reminded the British Plenipotentiaries, that whilst part of them laboured to give to obsolete treaties, as against the United States, a validity and extent greater than they ever could have had whilst existing, the remainder went to assert a pre-existing and exclusive right in France to fish on this coast, as against all the world, and, of course, as against Great Britain. Was Britain, I asked, prepared to acquiesce in this branch of the argument? for, undoubtedly, it was that which it most concerned France to establish, and without which the other branch would be of little avail to her.

"The British Plenipotentiaries peremptorily asserted a right in Great Britain to participate in the fishery on this coast, and denied in the

same tone that the French right was exclusive. But having concluded to consider the subject as no longer amongst those embraced in our negotiations, they declined pursuing any further the discussion of it, leaving me to pursue such other course as I might judge applicable and expedient. My great duty having been to place the subject explicitly before this Government, with a view as well to our rights as our remedies, I said to the British Plenipotentiaries that the form in which I did so was not material, and that I should therefore adopt, without delay, that of addressing an official representation, in regard to the whole subject, to his Majesty's principal Secretary of State for Foreign Affairs. I accordingly prepared such a note to Mr. Canning, a copy of which will be found amongst the papers which I transmit, under date of the 3d of May. I do not recapitulate its contents, as they are to the same general effect with the paper which I had previously caused to be annexed to the protocol of the tenth conference. I was careful, in the pursuance of your directions, to give it an aspect as friendly towards France, as was compatible with duly making known the rights of the United States. I recollect nothing further that I have to communicate in explanation of this subject. The protocols in which it is

mentioned, are the tenth and the fourteenth. My note to Mr. Canning, considered in the light of a first formal application to this Government, is designed to bring on explanations respecting our claim between the Governments of Britain and France. These, I must hope, will take place, and eventuate in a manner satisfactory to the United States. I mentioned to the British Plenipotentiaries the strong intimation given to Mr. Gallatin by the French Minister of Marine, that, as France had, according to her own judgment, the exclusive rights of fishery on the coast in dispute, so she ought to expel from it the fishing vessels of *any* nation. But I abstained from inserting this intimation in my note to Mr. Canning. I did no more than advert to the menace of seizure directed by France against our vessels.

"V. MARITIME QUESTIONS. I entered upon this subject with all the anxiousness that belongs to its deep and permanent connexion with the interests and character of the United States; with all the recollections that their past history calls up, and all the anticipations that every view of the future must awaken, when it is mentioned. It was at the thirteenth conference that I brought it forward. I laid before the British Plenipotentiaries the opinions and the hopes which my Government had formed

upon this great branch of the relations between the two countries, and strove to do justice to the principles upon which they were founded. I said that the United States were not behind any of the powers of Europe in wishes, and, moving, in their proper sphere, would never be behind them in endeavours to bring about a general melioration in the condition of mankind; that such a principle was eminently congenial to their political institutions, and had always been a maxim of their policy in the whole system of their external relations. Peace, I said, was their invariable desire, as well as policy; but war taking place, it had been as invariably their desire and their effort to do homage to those beneficent principles which serve as well to shorten its duration as mitigate its evils. I instanced, as pertinent to a negotiation with Great Britain, the stipulations of the tenth and the twenty-sixth articles of the treaty of the 19th of November, 1794, when both countries successfully engaged in the work of sacrificing to these principles belligerent rights, which both in strictness might otherwise have claimed and exercised.

"But, in the wide maritime field, whether occupied by the belligerent or the neutral, there were, I continued, questions of the highest moment to the United States and Great Britain,

which they had heretofore ineffectually endeavoured to arrange. These questions the United States again desired to approach, animated by the hope that better auspices might shed themselves over another attempt to come to a satis factory and harmonious understanding respecting them. My Government, I remarked, was not discouraged from this attempt by the failure to adjust them during the negotiations at Ghent; nor by the more recent failure at London, in 1818. Even since the latest of these periods, the most material changes had been witnessed in the political aspect of Europe and of America. The European alliance had been impaired by a variance in the principles, or in the policy, of some of its chief members, and the whole of that part of the continent of America, lately dependent upon Europe, had assumed a new character in itself, and was hastening to new relations with the rest of the world. The most extensive alterations, if not an entire revolution, in the colonial system, would, in all probability, follow in the train of the latter of these changes. These would probably superinduce the necessity of corresponding changes in maritime interests and claims, once regarded by Great Britain as essential to her welfare. I remarked, too, that the circumstance of Britain having held towards this struggle in America an

attitude of neutrality, as she had also done towards the recent war in the Spanish Peninsula, had served to strengthen the belief, that she might, perhaps, at the present period, be disposed to view neutral doctrines in different and more favourable lights than formerly, under circumstances so opposite.

"It was under the combined force of these considerations that the United States again came forward to her, with an offer to negotiate on them. But if Britain still viewed them as hitherto, if she still felt herself restrained from treating of them but on her former maritime principles, my Government would prefer being so informed with candour in the outset, it being alike due to candour to say, that the principles of the United States remained the same, there having been no equipollent changes in their political, commercial, or maritime position in the world. It was thus that I opened this part of the subject to the British Plenipotentiaries, discouraging our entering upon any discussion of these questions, upon terms that could not be productive of any beneficial results.

"I then proceeded to the paramount part of your instructions of the 28th of July, 1823. I said that there was yet another object, new to all the past discussions between the two Governments, but of pre-eminent interest in the

eyes of mine, by its connexion with the cause of civilization and the peace of the world, which it desired to propose to Great Britain. This object was, that of totally abolishing all private war upon the ocean.

"The United States, I said, from an early period of their history, aimed at bringing about among nations this great consummation of benevolence and humanity. Once they had secured it by a treaty with one of the Powers of Europe --with Prussia; and now they desired to offer it to the consideration of Great Britain. They hoped that she would go hand in hand with them in giving validity and extent to the benign consequences which its general adoption must introduce into the world. The question, though of novelty between the two Governments, was one of too much magnitude under considerations of a moral as well as political nature, to be discarded on that account. In proceeding to develop the reasoning by which you had directed me to recommend this object to the favour and acceptance of the British Government, it may be sufficient for me to say, that I omitted no part of it, resorting, under this delicate head of my instructions, to the very language of them, as the most appropriate and effectual for imparting the sentiments which they embodied, and superadding such views of my own as justly

flowed from yours. I need not, therefore, repeat, any more at large, the manner in which I executed this portion of my duty. I finished by expressing, in the name of my Government, a hope that Great Britain might be able to see her way towards a concurrence in this object; the more so, as it was also to be proposed by the United States to other European nations, with whom the example of Great Britain might be of powerful, perhaps decisive influence.

"The British Plenipotentiaries promised to take my whole exposition of the subject into consideration, and consult their Government before giving me an answer as to the course which it might become their duty to adopt.

"In speaking of the maritime questions heretofore in discussion between the two countries, I had mentioned that of impressment as of leading importance. A question was then put to me by the British Plenipotentiaries, which, with my answer, it is proper that I should at once state. They asked whether I would be willing to treat of the above class of questions generally, supposing impressment not to be included among the number. I had anticipated such a question, and was prepared with an answer. Your instructions not having supplied me with one, it was only left for me to act upon my own

discretion. I therefore declined such a course, saying, that I was unwilling to enter at all upon the other points of maritime law, unless the question of impressment were received by Great Britain as part of the negotiation. It will be understood that I spoke independently of the question of abolishing private war upon the ocean.

"My reasons for this determination were derived, first, from the extraordinary importance of the question of impressment, transcending, as in my judgment it did, not only the importance of any other, but the collective importance of them all. I knew of no other so closely linked in with the rights, the sovereignty, and the peace of the Republic. There was always a rational hope that the harmony of the two countries might remain undisturbed in the absence of conventional arrangements upon the other questions; but that of impressment always carried with it the seed of dissension, was always difficult, always threatening. The question of blockade, of contraband, of the right of the neutral carrier to protect the property of an enemy, and all the maritime questions, were all of a nature, to be sure, which it would be desirable to settle: but, upon some of them, the two Governments had not always been widely asunder in their

negotiations; and the whole were distinguished by this feature, that each party, when differences arose under them, could more readily appeal to the standard of principles and usages to which other nations appealed. Impressment, on the contrary, springing from a claim by Great Britain to enforce her common law upon the high seas, was not so much distinguished by its international, as by its exclusive character. It was a question in a great measure *sui generis;* peculiar, in its practical operation, to the two nations; remarkable for the earnestness and perseverance with which the point of right was asserted to exist on the one side, and the explicitness with which it had ever been pronounced a positive and insupportable wrong upon the other. I did not therefore believe that any treaty on maritime questions, admitting that one had been concluded, would have been acceptable to my Government, of which an adjustment of this subject of perpetual animosity and collision did not make a part. Another reason was, that I followed, in this respect, the precedent, or at least the analogy, of the negotiation of 1818.

"It will be recollected that in that negotiation the Plenipotentiaries of the United States were instructed not to entertain the discussion

of maritime topics, unless that of impressment were also brought forward, and by Great Britain. I trust that these reasons for the course which I pursued may be approved. It is alike proper for me to mention, that, whilst I declined going into the field of maritime discussion, impressment being left out of it, I avowed my perfect readiness to take up impressment by itself. Its absorbing interest justified, also, in my eyes, this course.

"The British Plenipotentiaries, on hearing this last opinion from me, immediately inquired if I had any new securities to propose on behalf of my Government, against the employment of British subjects in the merchant-vessels of the United States? I replied that I had none that differed essentially from those brought forward in former negotiations.

"After an interval of deliberation, which was not over until the twenty-first conference, the British Plenipotentiaries communicated to me the decision of their Government upon the topics which I had unfolded to them.

"First, they spoke of impressment. They said that Great Britain anxiously desired to reconcile the exercise of this established right with the convenience and feelings of other nations; that this desire had ever actuated her heretofore, and ever would in future. It was

her duty to obey its impulse, and her interest no less than her duty. But the right was, nevertheless, one essential to her highest interests, and deemed by her as incontrovertible as it was ancient. It was a right interwoven with the frame of her laws, and precious to her by its connexion with principles to which she trusted for her strength and her safety at conjunctures when both might be at stake. She could never abandon such a right; it was impossible. Nor would her duty allow her to waive it, with respect to the United States, but upon conditions the most satisfactory. She could only forego it in their favour, on receiving what she could deem ample security that the objects for which it was exercised might be attained by other means. They added that, having been informed by me that I had no proposals to make on this head, essentially differing from those that my Government had submitted in former negotiations, they felt themselves forced to abstain in this from entering into the subject. The sentiments of their Government, with respect to the impressment of British subjects, in time of war, out of the merchant-vessels of whatever nation upon the high seas, remained unchanged; and they could, therefore, indulge no hope of any good results from a fresh discussion on only the same grounds

which Great Britain had, on full deliberation, adjudged to be inadequate in all former discussions. It was to this effect that the British Plenipotentiaries spoke. It was in this manner that they disposed of the question of impressment.

"With regard to the other maritime questions, affecting the relations of neutral and belligerent Powers, the Plenipotentiaries remarked, that, as I was not prepared to enter into stipulations respecting them, but in conjunction with the question of impressment, which was excluded for the reason given, the discussion of the others in any way, could be to no useful purpose. It would therefore be declined by them.

"Thus it was, that the whole of this subject fell to the ground. The decision upon it, will be found recorded in the protocol of the twenty-first conference.

"I next said to the British Plenipotentiaries, that the question of abolishing privateering, and the capture of private property at sea, whether by national ships, or by privateers, was one that I considered as standing apart from those on which their decision had been given to me. Upon this question, therefore, I desired them to understand, that I was ready to treat, as of one occupying ground wholly of its own.

"They replied, that they were not prepared to adopt this course. All other questions of a maritime nature having been shut out from the negotiation, there would be, they said, manifest inconvenience in going into that for abolishing private war upon the ocean. They considered it a question belonging to the same class with maritime questions, and one which, besides being totally new, as between the two Governments, contemplated a most extensive change in the principles and practice of maritime war, as hitherto sanctioned by all nations. Such was their answer.

"This answer was given in the terms that I state, and so entered upon the protocol. But it is proper for me to remark, that no sentiment dropped from the British Plenipotentiaries authorizing the belief, that they would have concurred in the object, if we had proceeded to the consideration of it. My own opinion unequivocally is, that Great Britain is not at present prepared to accede, under any circumstances, to the proposition for abolishing private war upon the ocean.

"By the preceding decisions of the British Government, in conjunction with the restrictions under which I had laid myself, discussions the most interesting, and which it might have been anticipated, would have been the most

ample, have been precluded. My Report, by necessary consequence, under this division of your instructions, becomes proportionably abridged. From your despatch of the 28th of July, 1823, I understood that I was to make no communication to the British Government of the draft of the articles which it enclosed, unless they first agreed to negotiate respecting them. As they declined doing so upon the terms, which, taking into view the whole spirit of your instructions, I had alone deemed admissible, it follows that I withheld, altogether, any offer of the draft. The negotiation on the maritime questions fell through ostensibly, and, according to my best judgment, with sufficient reason, on the point of impressment. But here, too, I have to remark, that the British Plenipotentiaries said nothing to warrant the opinion of any change in the doctrines of their government on the other points of maritime law, any more than upon that of impressment. My own opinion is, that no such change has taken place. If the altered political and commercial circumstances of the times should hereafter serve to make her rule of 1756 an exception, it will probably be found the only exception. Nor will this be a rule abandoned by her, so much as lapsed; nor even wholly lapsed, if, according to indications

contained in earlier parts of this communication, there be any likelihood of her return to her own colonial system in the West Indies, rather than of her making larger departures from it. I am aware, that she would probably denominate it a coerced return; whilst all the facts would present to the United States a view of the subject so very different.

"The British Plenipotentiaries, after all negotiation on the maritime questions had been foreclosed, informed me that they were willing to treat of other points, which, though not immediately falling under this class, were connected with the friendly intercourse between the two countries, and would aim at its improvement. I replied, that I was not prepared to enter into any stipulations with them of this description, detached from all other subjects, but that I would receive and transmit to my Government whatever proposals they might have to offer of the nature stated. They accordingly gave me, at the twenty-second conference, the substance of nine articles, which are enclosed (marked M), as belonging to the protocol of that conference. They were not put into a formal shape, being rather the heads of subjects, than as designed to be expressed in full language.

"The first of these articles relates to the

mutual delivery of criminals, the subjects or citizens of either party, taking refuge in the dominions of the other, analogous to the twenty-seventh article of the treaty of November, 1794, so far as murder and forgery were concerned. The second proposes arrangements for settling the claims made by the subjects or citizens of either party, to lands situated within the territories of the other in America, and arising out of grants heretofore made by authorities competent, at the time, to make them. The following is the explanation of this article:—At the opening of the negotiation, the British Plenipotentiaries inquired whether I was empowered to treat of certain claims of British subjects to lands in Florida. I replied, that my instructions embraced no allusion whatever to such a subject, and that, if brought forward by Great Britain, all that I could do would be to refer it to my Government. It was the first mention of it that I had heard; and it was not mentioned afterwards. It is to this subject that the above article points. The third article has reference to the non-confiscation of private debts in case of war between the two countries; as the fifth has to the protection of the merchants on each side, found within the dominions of the other, on the breaking out of war, as under the tenth and twenty-sixth articles of the treaty of 1794.

Though fully aware of the importance attached to the principle of these articles, under your instructions, I did not feel myself at liberty to conclude engagements concerning them in a detached way. After the question of impressment had been expunged, and all the other maritime questions, together with that for the abolition of private war upon the ocean, which I could not but regard as the chief questions contemplated under your despatch of the 28th of July, 1823, it did not seem to me either necessary or judicious, that a treaty should be entered into for the sake of these two articles alone. I was the more swayed to this opinion, from the hope that mayrea sonably be cherished, that neither nation will henceforth be disposed to depart from the principles which these articles sanctify, though not now confirmed by a new treaty; since both nations have formerly agreed to them in this manner, and are both seen at this day substantially ready to propose them again to each other's acceptance.

"The remainder of their articles, as a brief recapitulation of them will show, are only of subordinate interest. The fourth provides for a previous statement of grievances, and demand of redress, before a resort to reprisals by either party, like the twenty-second article of the Treaty of '94. The sixth relates to wrecks

and salvage, as is common in treaties between commercial nations. The seventh extends hospitality to vessels of either party, forced by stress of weather into ports of the other, to which they would not, under other circumstances, be admissible; as is also common, and has place in the treaty of '94. The eighth contains a provision respecting merchant-vessels rescued from pirates; and the ninth, and last, a provision for mutually exempting the Consuls of each nation, within the territories of the other, from personal service, and the operation of direct taxes. It must be confessed, that under this last provision, it would be the Consuls of the United States who would derive the most benefit.

"On my declining, for the reasons I have given, to conclude any arrangement at present on the foregoing articles, the British Plenipotentiaries lamented, that, whilst *they* made the inability to treat of impressment no obstacle to entering into stipulations concerning them, I did. To this I replied by remarking upon the obviously different ground on which the two nations stood in this particular. To the United States, the question of impressment was absolutely vital. To Great Britain, it was of little concern, further than as it might be supposed that she was desirous of rendering to the United States justice

in regard to it. The British Plenipotentiaries here repeated the unfeigned regret which they said they felt at our preliminary terms having precluded them from arranging, at so favourable a season of peace, this question, which they desired I would understand that they too considered as one of great moment. Whilst they held their right to resort to the practice of impressment to be fully sanctioned by the general voice of nations, under that maxim which entitled every nation to command the allegiance and services of its own subjects, they were not unaware that the practice itself, from peculiar and insurmountable causes, pressed heavily upon the people of the United States. Hence, they had been most anxious to come to some arrangement, by which an end might have been put to this source of contention; and they declared that they would have accounted it amongst the happiest and proudest incidents of their lives, had they been able to sign with me a treaty by which so imposing a bar to the harmony of our respective countries could have been effectually and permanently removed. As things had eventuated, all that they could say was, and this they desired to say in a spirit the most sincere and earnest, that, whenever, in future, the practice might be resorted to, it would be in a manner to give the least possible inconvenience

to the United States, and none that could ever be avoided, consistently with what was imperiously due to the essential rights and interests of Great Britain.

"I joined in the regrets expressed by the British Plenipotentiaries, and, I will presume to add, in a spirit not less sincere. I lamented our failure to come to an understanding upon this formidable question; one upon which, perhaps, the peace of two powerful nations hung. I spoke of the past offers of the United States for its settlement; how far they had gone; how far they would still go, in an accommodation to the British views. They had offered to abstain from employing British seamen on board their vessels, for they did not want them there, having seamen enough of their own; and to effect this exclusion, they offered the highest enactments and sanctions of their laws; pledges which they deemed sufficient, and which they could never help thinking might be accepted as sufficient. It was to be considered, I said, that impressment was a question in which were bound up the highest rights and interests of the United States no less than of Great Britain. The United States admitted not the doctrine of perpetual allegiance. As the rule of nations, ancient or modern, they denied its existence.

It had no place in their own code; and if it had in that of Britain, it was but as a municipal rule, to be executed at home—not upon the high seas, and on board the vessels of an independent and sovereign state. The latter carried with it the assumption of a right of search *for men*. This, whether as a right direct or incidental, was denied by the United States to have the least sanction in public law. The bare claim was affronting to the United States, in the dearest attributes of their national sovereignty. I declared, that I too would have hailed it as the most auspicious act of my life, to have been able to mark the last days of my official residence at his Majesty's Court, by putting my name with theirs to stipulations, that would have closed up for ever this fruitful and bitter source of strife between our countries. As it was, it was only left for me to deplore results, under which so high and solid a satisfaction had vanished from me. By an interchange of remarks such as these, neither side had proposed to itself any discussion or review of a question already dropped from our discussions, but barely to give expression to sentiments which both sides have such good cause for feeling, at the abortive issue of this new endeavour to get rid of the evils of impressment.

"Before leaving this part of the subject

entirely, I feel impelled to one or two extraneous observations. The practice of seizing men by force for the supply of the navy, even as a lawful exercise of municipal authority in Britain, is one that carries with it such a disregard of the liberty of the subject, and involves such an aggravation of individual horrors, that the propriety, the humanity, and the very policy of its total relinquishment, even in her own dominions, has not escaped the thoughts of some of her considerate and enlightened men. On my first arrival in this country, I had occasion to notice, and not unfrequently, evidences of the existence of this feeling, both in private life, and in the discussions of the press, and was willing to give way to the hope of its further, and, at no very distant day, efficient progress. I lament to say, that this cheering hope has been put back by a recent and too authentic indication, the relevancy of which to the subject-matter of this part of my Report will be sufficient, I trust, to excuse my allusion to it. At the late session of Parliament, and only in the month of June, Mr. Hume, an active member of the House of Commons, from Scotland, introduced into the House a motion expressly upon the subject of impressment. The purport of it was, that ‘ the ‘ House being well aware of the difficulty of ‘ manning the navy in time of war, and of the

'evils of forcibly impressing men for that pur-
'pose, and considering that a time of profound
'peace would best admit of the fullest and fairest
'examination of that most important subject,
'would, early in the next session of Parliament,
'take it into their serious consideration, with a
'view to the adoption of such regulations as
'might prevent those evils in future, consistently
'with the efficiency of the navy, and the best
'interest of the British empire.' In giving his notice of this motion, he declared, as one motive for its claims upon the attention of the House, that it would be a part of his duty in discussing it, to show, that, in the event of a new war between Great Britain and any of the European Powers, it would be impossible for her to continue the practice of impressment, without adding the United States to the list of her enemies. It is a fact to be deplored, that even such a motion as this, a motion that proposed nothing more than a future and guarded consideration of a subject so full of international importance, (the light alone in which it is of any concern to the United States,) should have been scarcely listened to by the British House of Commons! It was debated to, comparatively, empty benches, and thrown out by a vote of 108 to 38.

"The most impressive part of this public fact remains to be disclosed. This motion,

which, in my mere capacity as an American spectator of the deliberations of the British Parliament, I cannot hesitate to think the most momentous by far in its bearing upon the foreign relations of the country of any that has offered itself to that body during my residence of nearly seven years in England—this motion, so far as I know, was not deemed worthy to engage the attention of a single Minister of the Crown. It is certain that not one of them spoke upon it. In the House of Commons—in this alleged sanctuary of knowledge, patriotism, and statesmanship, in Britain—a question, implicating the highest interests of two whole nations, and most essentially their future peace, passed away with less of discussion and excitement than might have been given to a bill for laying off a new road, or enclosing a sterile heath. It was a spectacle calculated to fill with pain the mind of an American citizen, and I have adverted to it in no other spirit than that of unmingled sorrow, at the greater distance to which, in conjunction with the failure of my negotiation, it seems to have removed all hope of arriving at a settlement of this ever-perilous and exasperating topic of international hostility.

"Having nothing more to say at present on the maritime questions, I leave them. The

protocols in which they are noticed are, the thirteenth, the twenty-first, and the twenty-second.

"VI. NORTH-WEST COAST OF AMERICA. I now come to the last of the subjects that the President confided to me; that contained in your instructions of the 2d of July, 1823, relative to the North-west Coast of America. Although no arrangement was concluded on this subject, it is not the less incumbent upon me carefully to apprise you of the discussions by which it was marked. They will probably be found not without interest.

"In one of my preliminary communications respecting the negotiation, viz. my No. 356, I informed you that I had thought it necessary, yielding to events that transpired after your instructions were received, to treat of this subject of the North-west Coast with this Government alone, without considering the negotiation as common also to Russia, as had been contemplated by your instructions. For thus deviating from your instructions I assigned my reasons, which, as they weighed strongly with me at the time, and do not appear, from any lights that I possess, to have lost any of their force since, I must hope will have been approved. My duty, therefore, will now be confined to informing you of the discussions

that took place in my hands with Britain, and as limited to the interests of the United States and Britain. These are the only discussions, I may add, with which I have any acquaintance, not having heard from Mr. Middleton of the nature of those that were carried on at St. Petersburgh, though, through the kindness of the Russian Ambassador at this Court, I have, very recently, been apprised of their result. It is probable that it has been through some accident that I have not heard from Mr. Middleton, having apprised him of the course that I had felt myself compelled to adopt. In obedience to your request, I also wrote to him on the subject of the Slave Trade, transmitting him a copy of the Convention with this Government, as soon as I had signed it.

"In another of my communications, written before the negotiation opened, viz. my No. 358, I gave you a general intimation of what I then supposed would be the terms upon which this Government would be disposed to arrange with us the questions of boundary upon the North-west Coast. At that time, however, I had been put in possession of nothing distinctive or final upon the subject, and was to wait the arrival of the negotiation itself, for the full and authentic statement of the British claims. I am the more

particular in referring back to this latter communication, as it appears that I was under important misapprehensions in it, in regard to the true nature of the British claims. They proved, on formally and accurately disclosing themselves, to be far more extensive than I had believed; and were advanced in a manner more confident than I had even then anticipated.

"I opened this subject to the British Plenipotentiaries at the eleventh conference. I remarked, that, although it had been understood in my preparatory conversations with the proper organ of his Majesty's Government, that the respective territorial or other claims of the United States and Russia, as well as of Great Britain and Russia, regarding the country westward of the Rocky Mountains, were to be matter of separate discussion at St. Petersburgh; yet, that those of the United States and Great Britain were now, according to the understanding in the same conversations, to be taken up for formal discussion in London. My Government was aware, that the convention of October, 1818, between the United States and Great Britain, one article of which contained a temporary regulation of this interest, had still four years to run; but the President, nevertheless, was of opinion, that the present was not an unsuitable moment for attempting a new and more

definite adjustment of the respective claims of the two Powers to the country in question. It was a country daily assuming an aspect, political, commercial, and territorial, of more and more interest to the United States. It bore upon their relations with other States, upon their fisheries as well as their commerce in the Pacific, upon their fur trade, and the whole system of their intercourse with vast tribes of the Indians.

"I reminded the British Plenipotentiaries, that, by the third article of the Treaty of Washington, of February the 22d, 1819, between the United States and Spain, the boundary line between the two countries was fixed, in part, along the southern bank of the Arkansas, to its source, in latitude 42° north, and thence by that parallel of latitude, to the South Sea; and that Spain had also renounced to the United States, by the same article, all her rights north of that parallel. I then made known, at this and other conferences—for, from the extent of the subject, I was unable even to open it all at one conference—what I understood to be the nature of the title of the United States to the whole of the country north of the parallel stated. I said, that, apart from all the right as thus acquired from Spain, which, however, was regarded by my Government as surpassing the

right of all other European powers, on that coast, the United States claimed, in their own right, and as their absolute and exclusive sovereignty and dominion, the whole of the country west of the Rocky Mountains, from the 42nd to at least as far up as the 51st degree of North latitude. This claim they rested upon their first discovery of the river Columbia, followed up by an effective settlement at its mouth, a settlement which was reduced by the arms of Britain during the late war, but formally surrendered up to the United States at the return of peace. Their right by first discovery they deemed peculiarly strong, having been made not only from the sea by Captain Gray, but also from the interior by Lewis and Clarke, who first discovered its sources, and explored its whole inland course to the Pacific Ocean. It had been ascertained that the Columbia extended, by the River Muttnomah, to as low as 42° North; and by Clarke's river, to a point as high up as 51°, if not beyond that point; and to this entire range of country, contiguous to the original dominion of the United States, and made a part of it by the almost intermingling waters of each, the United States, I said, considered their title as established by all the principles that had ever been applied on this subject by the powers of Europe, to settlements

in the American hemisphere. I asserted, that a nation, discovering a country, by entering the mouth of its principal river at the sea coast, must necessarily be allowed to claim, and hold, as great an extent of the interior country, as was described by the course of such principal river, and its tributary streams; and that the claim, to this extent, became doubly strong, where, as in the present instance, the same river had also been discovered and explored from its very mountain springs to the sea.

"Such a union of titles, imparting validity to each other, did not often exist. I remarked, that it was scarcely to be presumed, that any European nation would henceforth project any colonial establishment on any part of the North-west coast of America, which, as yet, had never been used to any other useful purpose than that of trading with the aboriginal inhabitants, or fishing in the neighbouring seas; but that the United States should contemplate, and at one day form, permanent establishments there, was naturally to be expected, as proximate to their own possessions, and falling under their immediate jurisdiction. Speaking of the powers of Europe who had ever advanced claims to any part of this coast, I referred to the principles that had been settled by the Nootka Sound Convention of 1790, and remarked, that Spain

had now lost all her exclusive colonial rights that were recognised under that Convention, first, by the fact of the independence of the South-American States, and of Mexico, and, next, by her express renunciation of all her rights, of whatever kind, above the forty-second degree of north latitude, to the United States. Those new states would, themselves, now possess the rights incident to their condition of political independence, and the claims of the United States, above the forty-second parallel, as high up as sixty, claims as well in their own right as by their succession to the title of Spain, would henceforth necessarily preclude other nations from forming colonial establishments upon any part of the American continents. I was therefore instructed to say, that my Government no longer considered any part of those continents as open to future colonization by any of the powers of Europe, and that this was a principle upon which I should insist in the course of the negotiation.

"It was in this manner that I first laid down, for the information of this Government, the principles contained in your despatch, or resulting from them. I combined with what you had written to me, the contents of the Message of the President to Congress, of the 2d of December last, a document which I could not but

regard with the highest solemnity towards marking out my duty, although I had not your instructions upon it, the document having appeared since your despatch was written. I added, that the United States did not desire to interfere with the actual settlements of other nations on the North-west coast of America, and that, in regard to those which Great Britain might have formed above the fifty-first degree of latitude, they would remain, with all such rights of trade with the natives, and rights of fishery, as those settlements had enjoyed hitherto.

"As regarded future settlements by either of the parties, I said that it was the wish of my Government to regulate these upon principles that might be mutually satisfactory, and tend to prevent all collision. I was therefore instructed to propose, first, the extension to a further term of ten years, of the third article of the Convention of October, 1818; and, secondly, that Britain should stipulate, during the like term, that no settlement should be made by any of her subjects on the North-west coast of America, or the islands adjoining, either south of the fifty-first degree of latitude, or north of the fifty-fifth degree: the United States stipulating that none should be made by their citizens north of the fifty-first degree.

This proposal I drew up in form, and annexed it (marked F) to the protocol of the twelfth conference. I said that these limits were supposed to be sufficient to secure to Great Britain all the benefit to be derived from the settlements of her North-west and Hudson's-bay Companies on that coast, and were indicated with that view.

"The insertion of a limit of ten years, which I introduced as applicable to the above restriction upon future settlements, may require explanation. In your despatch to me, as I understood it, there was no such limit of time specified. But in your instructions to Mr. Middleton, of the 22d of July, 1823, which you enclosed to me, I perceived that there was this limit introduced, and that it was under this limit the proposal was described to him as the one which I was to submit to the British Government. I concluded that it would be erring on the safe side to take, in this particular, your instructions to Mr. Middleton as my guide; and I did so accordingly.

"It is proper now, as on the question of the St. Lawrence, that I should give you faithful information of the manner in which the British Plenipotentiaries received my proposal, and the principles under which I had introduced it. I may set out by saying, in a word, that they

totally declined the one, and totally denied the other. They said that Great Britain considered the whole of the unoccupied parts of America as being open to her future settlements in like manner as heretofore. They included within these parts, as well that portion of the North-west coast lying between the forty-second and the fifty-first degrees of latitude as any other parts.

"The principle of colonization on that coast, or elsewhere, on any portion of those continents not yet occupied, Great Britain was not prepared to relinquish. Neither was she prepared to accede to the exclusive claim of the United States. She had not, by her Convention with Spain in 1790, or at any other period, conceded to that power any exclusive rights on that coast, where actual settlements had not been formed. She considered the same principles applicable to it now as then. She could not concede to the United States, who held the Spanish title, claims which she had felt herself obliged to resist, when advanced by Spain, and on her resistance to which the credit of Great Britain had been thought to depend.

"Nor could Great Britain at all admit, the Plenipotentiaries said, the claim of the United States as founded on their own first discovery.

It had been objectionable with her in the negotiation of 1818, and had not been admitted since. Her surrender to the United States of the post at Columbia River, after the late war, was in fulfilment of the provisions of the first article of the Treaty of Ghent, without affecting questions of right on either side. Britain did not admit the validity of the discovery by Captain Gray. He had only been on an enterprise of his own, as an individual, and the British Government was yet to be informed under what principles or usage, among the nations of Europe, his having first entered or discovered the mouth of the river Columbia, admitting this to have been the fact, was to carry after it such a portion of the interior country as was alleged. Great Britain entered her dissent to such a claim, and, least of all, did she admit that the circumstance of a merchant-vessel of the United States having penetrated the coast of that continent at Columbia River, was to be taken to extend a claim in favour of the United States along the same coast, both above and below that river, over latitudes that had been previously discovered and explored by Great Britain herself, in expeditions fitted out under the authority and with the resources of the nation. This had been done by Captain Cook, to speak of no

others, whose voyage was at least prior to that of Captain Gray. On the coast, only a few degrees south of the Columbia, Britain had made purchases of territory from the natives, before the United States were an independent power; and upon that river itself, or upon rivers that flowed into it west of the Rocky Mountains, her subjects had formed settlements coeval with, if not prior to, the settlement by American citizens at its mouth.

"Such is a summary of the grounds taken at the very outset by the British Plenipotentiaries, in opposition to our claims. On my remarking immediately, and before proceeding to any discussion of them, that I had not before been aware of the extent and character of all these objections; they replied, that it was also for the first time that they had been apprised, in any authentic and full way, of the nature of the claims, as I had now stated them, on behalf of the United States; claims which they said they were bound to declare, at once, Great Britain was wholly unprepared to admit; and, especially, that which aimed at interdicting her from the right of future colonization in America.

"Resuming the subject, I said that it was unknown to my Government, that Great Britain had ever even advanced any claim to territory on the North-west coast of America, by the

right of occupation, before the Nootka Sound controversy. It was clear, that by the treaty of Paris, of 1763, her territorial rights in America were bounded westward by the Mississippi. The claim of the United States, under the discovery by Captain Gray, was, therefore, at all events, sufficient to overreach, in point of time, any that Great Britain could allege along that coast, on the ground of prior occupation or settlement. As to any alleged settlements by her subjects on the Columbia, or on rivers falling into it, earlier, or as early as the one formed by American citizens at Astoria, I knew not of them, and was not prepared to admit the fact. As to the discovery itself of Captain Gray, it was not for a moment to be drawn into question. It was a fact before the whole world. The very geographers of Britain had adopted the name which he had given to this river. Vancouver himself, undoubtedly the first British navigator who had ever entered it, admitted that he found Captain Gray there; and the very instructions to this British officer, drawn up in March, 1791, and to be seen among the records of the British Admiralty, expressly referred by name to the previous expedition in that quarter of the American sloop, the *Washington*. Was this, I asked, to be accounted nothing? Did it lie with a foreign power, whose own archives might

supply her with the incontestible fact of the first discovery by the vessel of another power, of a vast river, whose waters, from their source to the ocean, had remained until then totally unknown to all civilized nations; did it lie with such foreign power to say, that the discovery was not made by a national ship, or under national authority? The United States, I said, could admit no such distinction; could never surrender, under it, or upon any ground, their claim to this discovery. The ship of Captain Gray, whether fitted out by the Government of the United States or not, was a national ship. If she was not so in a technical sense of the word, she was in the full sense of it, applicable to such an occasion. She bore at her stern the flag of the nation, sailed forth under the protection of the nation, and was to be identified with the rights of the nation.

"The extent of interior country attaching to this discovery was founded, I said, upon a principle at once reasonable and moderate; reasonable because, as discovery was not to be limited to the local spot of a first landing-place, there must be a rule both for enlarging and circumscribing its range; and none more proper than that of taking the water-courses which nature had laid down, both as the fair limits of the country, and as indispensable to its use and

value ; moderate, because the nations of Europe had often, under their rights of discovery, carried their claims much farther. Here I instanced, as sufficient for my purpose, and pertinent to it, the terms in which many of the royal charters and letters patent had been granted, by the crown in England, to individuals proceeding to the discovery or settlement of new countries on the American continent: among others, those from Elizabeth in 1578, to Sir Humphrey Gilbert ; and in 1584 to Sir Walter Raleigh: those from James I. to Sir Thomas Gates in 1606 and 1607, and the Georgia charter of 1732. All these, extracts from which I produced, comprehended a range of country fully justifying my remark. By the words of the last, a grant is passed to all territories along the sea coast, from the river Savannah to the most southern stream ‘ of ‘ another great river, called the Alatamaha, and ‘ westward, *from the heads of the said rivers,* ‘ in a direct line to the South Seas.’ To show that Britain was not the only European nation who, in her territorial claims on this continent, had had an eye to the rule of assuming water-courses to be the fittest boundaries, I also cited the charter of Louis XIV. to Crozat, by which ‘ all the country *drained by the waters empty-* ‘ *ing directly or indirectly into the Mississippi,*’

is declared to be comprehended under the name, and within the limits of Louisiana.

"If Britain had put forth no claims on the North-west coast, founded on prior occupation, before the Nootka Sound contest, still less could she ever have established any, I remarked, at any period, founded on prior discovery. Claims of the latter class belonged wholly to Spain, and now, consequently, to the United States. The superior title of Spain on this ground, as well as others, was, indeed, capable of demonstration. Russia had acknowledged it in 1790, as the state papers of the Nootka Sound controversy would show. The memorial of the Spanish Court to the British Minister on that occasion expressly asserted, that, notwithstanding all the attempted encroachments upon the Spanish coasts of the Pacific Ocean, Spain had preserved her possessions there entire, possessions which she had constantly, and before all Europe, on that and other occasions, declared to extend to as high at least as the sixtieth degree of north latitude.

"The very first article of the Nootka Sound Convention attested, I said, the superiority of her title: for, whilst, by it, the nations of Europe generally were allowed to make settlements on that coast, it was only for purposes of trade with the natives, thereby excluding the right of any

exclusive or colonial establishments for other purposes. As to any claim on the part of Britain, under the voyage of Captain Cook, I remarked, that this was sufficiently superseded (passing by everything else) by the journal of the Spanish expedition from San Blas, in 1775, kept by Don Antonio Maurelle, for an account of which, I referred the British Plenipotentiaries to the work of Daines Barrington, a British author. In that expedition, consisting of a frigate and schooner, fitted out by the Viceroy of Mexico, the North-west coast was visited in latitude 45, 47, 49, 53, 55, 56, 57, and 58 degrees, not one of which points, there was good reason for believing, had ever been explored, or as much as seen, up to that day, by any navigator of Great Britain. There was, too, I said, the voyage of Juan Peres, prior to 1775; that of Aguilar in 1601, who explored that coast in latitude 45°; that of De Fuca, in 1592, who explored it in latitude 48°, giving the name, which they still bore, to the straits in that latitude; without going through a much longer list of other early Spanish navigators in that sea, whose discoveries were confessedly of a nature to put out of view those of all other nations. I finished by saying, that, in the opinion of my Government, the title of the United States to the whole of that coast, from latitude 42°, to as

far north as latitude 60°, was, therefore, superior to that of Britain, or any other power; first, through the proper claim of the United States, by discovery and settlement, and, secondly, as now standing in the place of Spain, and holding in their hands all her title.

"Neither my remarks, nor my authorities, of which I have endeavoured to present an outline, made the impression upon the British Plenipotentiaries which I was desirous that they should have produced. They repeated their animated denials of the title of the United States, as alleged to have been acquired by themselves, enlarging and insisting upon their objections to it, as I have already stated them. Nor were they less decided in their renewed impeachments of the title of Spain. They said, that it was well known to them, what had formerly been the pretensions of Spain to absolute sovereignty and dominion in the South Seas, and over all the shores of America, which they washed; but that these were pretensions which Britain had never admitted. On the contrary, she had strenuously resisted them. They referred to the note of the British Minister to the Court of Spain, of May 16, 1790, in which Britain had not only asserted a full right to an uninterrupted commerce and navigation in the Pacific, but also that of forming, with the con-

sent of the natives, whatever establishments she thought proper on the North-west coast, in parts not already occupied by other nations. This had always been the doctrine of Great Britain, —and from it nothing that was due, in her estimation, to other Powers, now called upon her in any degree to depart. As to the alleged prior discoveries of Spain all along that coast, Britain did not admit them, but with great qualification. She could never admit that the mere fact of Spanish navigators having first seen the coast at particular points, even where this was capable of being substantiated as the fact, without any subsequent or efficient acts of sovereignty or settlement following on the part of Spain, was sufficient to exclude all other nations from that portion of the globe. Besides, they said, even on the score of prior discovery on that coast, at least as far up as the 48th degree of north latitude, Britain herself had a claim over all other nations. Here they referred to Drake's expedition in 1578, who, as they said, explored that coast, on the part of England, from 37° to 48° north, making formal claim to these limits in the name of Elizabeth, and giving the name of New Albion to all the country which they comprehended. Was this, they asked, to be reputed nothing in the comparison of prior discoveries, and did it not even take in a large

part of the very coast now claimed by the United States as of prior discovery on their side?

"Such was the character of their remarks on this part of the title. In connexion with them, they called my attention to the Report of a Select Committee of the House of Representatives in April last, on the subject of Columbia River. There is a letter from General Jesup in this Report, adopted by the Committee as part of the Report, and which, as the British Plenipotentiaries said, had acquired importance in the eyes of their Government, from that fact. They commented upon several passages of this letter, a newspaper copy of which they held in their hands, but chiefly on that part which contains an intimation that a removal from our territory of all British subjects now allowed to trade on the waters of the Columbia, might become a necessary measure on the part of the United States, as soon as the Convention of 1818 had expired. Of this intimation the British Plenipotentiaries complained, as one calculated to put Great Britain especially upon her guard, arriving, as the document did, at a moment when a friendly negotiation was pending between the two Powers, for the adjustment of their relative and conflicting claims to that entire district of country. Had I any knowledge, they asked, of this document?

"I replied that I had not, as communicated to me by my Government. All that I could say of it was, and this I would say confidently, that I was sure it had been conceived in no unfriendly spirit towards Great Britain. Yet, I was bound unequivocally to re-assert, and so I requested the British Plenipotentiaries would consider me as doing, the full and exclusive sovereignty of the United States over the whole of the territory beyond the Rocky Mountains, washed by the river Columbia, in manner and extent as I had stated, subject, of course, to whatever existing conventional arrangements they may have formed in regard to it, with other Powers. Their title to this whole country they considered as not to be shaken. It had often been proclaimed in the legislative discussions of the nation, and was otherwise public before the world. Its broad and stable foundations were laid in the first uncontradicted discovery of that river, both at its mouth and at its source, followed up by an effective settlement, and that settlement the earliest ever made upon its banks. If a title in the United States, thus transcendent, needed confirmation, it might be sought in their now uniting to it the title of Spain.

"It was not the intention of the United States, I remarked, to repose upon any of the extreme pretensions of that power to specula-

tive dominion in those seas, which grew up in less enlightened ages, however countenanced in those ages, nor had I, as their Plenipotentiary, sought any aid from such pretensions; but to the extent of the just claims of Spain, grounded upon her fair enterprise and resources, at periods when her renown for both filled all Europe, the United States had succeeded; and upon claims of this character, it had therefore become as well their right as their duty to insist. I asserted again the incontestible priority of Spanish discoveries on the coast in question. I referred to the voyage of Cortez, who, in 1537, discovered California; to those of Alarçon and Coronado in 1540; to that of Cabrillo in 1542, all of whom were prior to Drake, and the last of whom made the coast, by all the accounts that are given, as high up as latitude 44°. As to Drake, I said, that although Fleurieu, in his introduction to Marchand, did assert that he got as far north as 48°; yet Hakluyt, who wrote almost at the time that Drake flourished, informs us, that he got no higher than 43°, having put back at that point from 'the extreme cold.' All the later authors or compilers, also, who spoke of his voyage, however they might differ as to the degree of latitude to which he went, adopted from Hakluyt this fact of his having turned back, from the intensity of the weather.

The preponderance of probability therefore, I alleged, as well as of authority, was, that Drake did not get beyond 43° along that coast. At all events, it was certain that he had made no settlements there; and the absence of these would, under the doctrine of Great Britain, as applied by her to Spain, prevent any title whatever attaching to his supposed discoveries. They were, moreover, put out of view by the treaty of 1763, by which Britain agreed to consider the Mississippi as her western boundary upon that continent.

"Our discussions, which grew into length, and only a condensed view of which I have aimed at presenting to you, terminated without any change of opinion on either side. Having stated the principal points which marked them, my duty seems to be drawing to a close, without the necessity of setting before you all the amplifications and details into which, on topics so copious, they would sometimes run. They were ended on the side of Great Britain, by her Plenipotentiaries repeating, that they found it altogether impossible to accede, either to the proposal of the United States, or to the reasoning invoked in its support. That, nevertheless, they desired to lay a foundation of harmony between the two countries in that part of the globe; to close, not leave open, sources of

future disagreement, which time might multiply and aggravate. That, with this view, and setting aside the discordant principles of the two Governments, in the hope of promoting it, they had to propose, first, that the third article of the Convention of October, 1818, should now be considered as at an end. Secondly, that, instead of it, the boundary line between the territories respectively claimed by the two Powers, westward of the Rocky Mountains, should be drawn due west, along the forty-ninth parallel of latitude, *to the point where it strikes the North-easternmost branch of the Columbia, and thence, down, along the middle of the Columbia, to the Pacific Ocean;* the navigation of this river to be for ever free to the subjects and citizens of both nations. And, further, that the subjects or citizens of either, should not, in future, be allowed to form settlements within the limits to be thus assigned to the other, with a saving in favour of settlements already formed within the prohibited limits, the proprietors or occupants of which, on both sides, should be allowed to remain ten years longer.

"This proposal they annexed, in form (marked P) to the protocol of the twenty-third conference. They remarked, that, in submitting it, they considered Great Britain as depart-

ing largely from the full extent of her right, and that, if accepted by the United States, it would impose upon her the necessity, ultimately, of breaking up four or five settlements, formed by her subjects within the limits that would become prohibited, and that they had formed, under the belief of their full right, as British subjects, to settle there. But their Government was willing, they said, to make these surrenders, for so they considered them, in a spirit of compromise, on points where the two nations stood so divided.

"I instantly declared to the British Plenipotentiaries my utter inability to accept such a boundary as they had proposed. I added, at the same time, that I knew how the spirit of just accommodation also animated the Government of the United States upon this occasion. That, in compliance with this spirit, and in order to meet Great Britain on ground that might be deemed middle, I would consent so far to vary the terms of my own proposal, annexed to the twelfth protocol, as to shift its *southern* line as low as 49°, in place of 51°. I desired it to be understood, that this was the extreme limit to which I was authorized to go; and that, in being willing to make this change, I too considered the United States as abating their rights, in the hope of being able to put

an end to all conflict of claims between the two nations, to the coast and country in dispute.

"The British Plenipotentiaries, after having this modification of my first proposal a fortnight under consideration, rejected it, and they made me no new proposal in return. They did not, in terms, enter their rejection of this, my second proposal, on the protocol, and I did not urge it, thinking that their abstinence, as far as it could have any effect, might tend to leave the door somewhat less permanently closed against reconsideration, should the proposal, as so modified by me, ever be again made. But it is right for me to state, that they more than once declared, at the closing hours of the negotiation, that the boundary marked out in their own written proposal, was one from which the Government of the United States must not expect Great Britain to depart.*

"I have to add, that their proposal was first made to me verbally, at the twentieth con-

* In a subsequent negotiation in 1827, Britain agreed to yield to the United States, north of the Columbia, "*a detached territory*," as Mr. Greenhow, in his valuable work on the "History of Oregon and California," calls it, extending, on the Pacific and Strait of Fuca, from Bulfinch's Harbour, to Hood's Canal; but adhered to her claim to the whole northern bank of the Columbia, and her right to the free navigation of that river. By no published document that I have seen, has she yet departed, in any greater degree, from the ground laid down in the 20th and 23d protocols of the above negotiation.

ference, and that it then embraced an alternative of leaving the third article of the Convention of 1818 to its natural course and limit. But this they afterwards controlled, by their more formal and final proposition in writing, annexed, as before described, to the protocol of the twenty-third conference.

"Having made you acquainted with all that transpired on this subject, I close it, by referring to the protocols in which it is mentioned. These are, the eleventh, the twelfth, the nineteenth, the twentieth, and the twenty-third.

"I have now gone through all the subjects, and feel it time to come to a conclusion. I have made no omissions that are material, of which, at present, I have any consciousness. If, on reviewing, at full leisure, the private journals from which I have selected the materials of this official despatch, I discover omissions, I will take care that they shall be supplied by a supplemental communication. I have laid before you a faithful, I would hope an intelligible, account of the progress, the character, and the results, of the whole negotiation. The importance, to use the appropriate words of your own despatch to me of the 29th of July, 1823, of most of its subjects; the complicated character of the considerations in-

volved in them, and their momentous bearings in present and future ages upon the interests, the welfare, and the honour of the United States,—I have felt, deeply felt, throughout the protracted period allotted to their investigation and discussion. A load of responsibility and solicitude has weighed unceasingly upon my mind. A just, I will add a painful, sense of the great duty that was confided to me, has never been absent from my thoughts. If it had been the pleasure of the President to have assigned me a colleague in its exercise, I should have felt thankful; having, as I took the liberty to say before it came on, entertained an unfeigned distrust in my own unassisted endeavours. For a proper estimate of what was due from me, for zeal, for good intentions, for diligence, I must humbly hope that the confidence reposed in me has not been misplaced. For the rest I cannot answer. Now that the negotiation is over, I cannot presume to hope, that the manner in which I have conducted it, under all the many aspects which it assumes, aspects unforeseen, and to me, often as difficult as unforeseen, will be deemed to have been always above exception. Constantly, as I looked to the guiding light of your instructions, and ample as was the light shed by them over my general path, there were, there

must have been, in the progress of voluminous discussions, where not the just desires of one nation, but the clashing interests of two, were at stake, points for which they did not provide. Reposing, upon all these occasions, on their general spirit, I must seek solace in the consciousness, that however unsuccessful the issue of my endeavours, they were always well meant, and in the hope that, regarded in their general character and tendency, they will be looked at with an indulgence proportioned to the anxious desire for my country's good, in which I feel sure it will be believed they ever originated. Of the questions that it fell to my lot to discuss with this nation, those that were old were full of difficulty, and had proved baffling in hands more skilful than mine, in times that are passed. Those that were new, were found to be encompassed with difficulties not less formidable and intrinsic. Nor will it, I hope, be reputed out of place with my duty, or with the solemnity of this communication, to close it finally by the remark, that the negotiation, of which it has aimed at exhibiting an authentic history, has been conducted with a nation, not only mighty in her power, but not easily turned aside from her purposes. The deliberate determinations to which she appears to have come in this negotiation, I have felt it an

imperious duty to report, without, in any instance, abating the force of any of the considerations by which I understood her Plenipotentiaries to expound and maintain them.

"I have the honour to remain, with very great respect, Sir, your obedient Servant,

"RICHARD RUSH."

The Protocols not inserted in the series that follow, were those which recorded the proceedings of the Plenipotentiaries in framing the Slave-Trade Convention, and were transmitted to the Secretary of State with that instrument.

Protocol of the Third Conference of the American and British Plenipotentiaries, held at the Board of Trade, February 5th, 1824.

Present—Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

In pursuance of previous agreement, Mr. Rush brought forward the propositions of his Government respecting the trade between the British Colonies in North America and the West Indies and the United States, including the navigation of the St. Lawrence, by vessels of the United States.

On concluding the statement with which Mr. Rush introduced these proposals, in explanation of the views and antecedent proceedings of his Government, he gave in the three articles which are hereunto annexed (marked A).

The British Plenipotentiaries, in receiving the articles thus presented to them for con-

sideration, confined themselves to stating their first impressions as to the scope and extent of the American proposals, and the extreme difficulty resulting therefrom, observing on such parts of the American Plenipotentiary's statement as appeared to them to call for immediate objection, or to admit of satisfactory explanation.

Adjourned to Monday, the 16th instant, at two o'clock.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Eighth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 18th of March, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

Another original copy of the convention on the subject of the Slave Trade having been

prepared, at the request of the American Plenipotentiary, with the view of enabling him to transmit that instrument in duplicate to his Government, was read over, and, upon its proving to be perfectly correct, was signed by the Plenipotentiaries on both sides.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Ninth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 25th of March, 1824 :—

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The British Plenipotentiaries stated that, not being yet at liberty, from circumstances already explained, to make a full communica-

tion with respect to the three articles proposed by Mr. Rush at the third conference, while they were disposed, in the spirit of that perfect amity and good-will which subsisted between the respective Governments, to treat of the free navigation of the river St. Lawrence by American vessels, on the principle of accommodation and mutual concession, they thought it desirable that the American Plenipotentiary should at once bring forward the proposals of his Government, on the several questions already submitted by him for negotiation.

The American Plenipotentiary readily acquiesced in the expediency of this course, on the obvious understanding that the views of the British Government would be in turn communicated to him. He consequently gave in the paper D, annexed hereto, as containing the proposal of his Government for endeavouring to adjust, by compromise, the differences arising under the 5th article of the Treaty of Ghent.

Mr. Rush remarked, at the same time, on the extreme difficulties attending on arbitration, as prescribed by that treaty; and stated his conviction, that his Majesty's late Secretary of State for Foreign Affairs had signified to him the assent of the British Government, to his pro-

posal of endeavouring to settle the points at issue by direct communication between the two Governments.

In reply to a question from the British Plenipotentiaries, Mr. Rush informed them that he was not prepared, in case of his proposal being finally accepted, to submit any particular terms of compromise for settling the disputed boundary, though he was persuaded that his Government, in proposing a negotiation upon that principle, looked with confidence to its issuing in an agreement satisfactory to both parties; and also, that, in the event of an arbitration being insisted on, his present instructions would enable him to proceed at once to the concurrent selection of an arbitrator, agreeably to the Treaty of Ghent.

It was agreed that the next conference should be held on Monday next, the 29th instant, when the American Plenipotentiary would be prepared to continue his communication of the proposals of his Government.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Tenth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 29th of March, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The American Plenipotentiary entered upon the subject of the Newfoundland fishery. He stated, at length, the circumstances constituting the case which his Government thought it advisable to bring under the view of the British Government, and concluded by giving in, as a memorandum of his statement, the paper marked E, annexed to the present protocol.

The British Plenipotentiaries, after making such inquiries of Mr. Rush as they deemed conducive to a thorough understanding of the points in question, agreed to meet him again in conference, on Thursday, the 1st of April.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Eleventh Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 1st of April, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The American Plenipotentiary opened the subject of territorial claims on the North-west coast of America, westward of the Rocky Mountains. It having been understood that the pretension which had been put forward by the Cabinet of St. Petersburgh, respecting its jurisdiction in that quarter, was to be a matter of separate discussion between the respective parties, he observed, that, notwithstanding this circumstance, and although the Convention of October, 1818, one article of which contained a temporary regulation with respect to the above-mentioned claims, had still four years to continue, his Government was of opinion that the present was not an unsuitable moment for attempting a settlement

of the boundary on the North-west coast of America westward of the Rocky Mountains, and he therefore proceeded to explain the nature of the claims which his Government thought itself entitled to advance.

His statement not being completed in the present conference, Mr. Rush undertook to resume it on the following day.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Twelfth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 2d of April, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The American Plenipotentiary resumed the

communication which he had commenced in that conference, on the subject of the territorial claims on the North-west coast of America, westward of the Rocky Mountains, and concluded, by giving in the paper marked F, annexed hereto, as containing the proposal of his Government on that head.

Adjourned to Monday, the 5th of April.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Thirteenth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 5th of April, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The American Plenipotentiary stated that, in addition to the questions submitted for negotiation at the preceding conferences, he was instructed to treat with Great Britain on various subjects of maritime law, heretofore in discussion between the two countries; and also on that of the abolition of privateering, and the exemption from all capture of private property in merchant-ships at sea. Amongst the former subjects, he mentioned that of impressment as of leading importance.

He added, that, as he was not authorized to assent to anything new in principle, on such of these points as had been discussed on former occasions, it was right for him to premise that, unless the British Government were ready to negotiate, with the understanding that the views which they had heretofore entertained on them were essentially changed, or likely, in the course of negotiation, to be materially modified, the Government of the United States would prefer, on the whole, not bringing these questions under discussion at the present time.

After stating the general political considerations which had induced his Government to make this overture, he informed the British Plenipotentiaries, in reply to an inquiry on their

part, that, although he was willing to treat of impressment alone, he should not feel inclined to enter on the other points of maritime law, unless the question of impressment were, at the same time, received by his Majesty's Ministers as part of that negotiation.

The British Plenipotentiaries having further asked whether any additional securities would be proposed or admitted by the American Government, against the employment of British natural-born subjects in the merchant-vessels of the United States, the American Plenipotentiary replied, that he had none to offer essentially differing from those brought forward in former negotiations.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Fourteenth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 13th of April, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

After the protocol of the preceding conference had been agreed to and signed, the British Plenipotentiaries stated that they had invited Mr. Rush to an interview, in order to inform him, that, in consequence of the inquiries which they had made, as to the right of fishing on the western coast of Newfoundland, they conceived that the case, as previously described by him, was hardly of a nature to be entertained among the subjects of the present negotiation.

The citizens of the United States were clearly entitled, under the Convention of October, 1818, to a participation with his Majesty's subjects, in certain fishing liberties on the coasts of Newfoundland: the Government of the United States might, therefore, require a declaration of the extent of those liberties, as enjoyed by

British subjects, under any limitations prescribed by treaty with other powers, and protection in the exercise of the liberties so limited, in common with British subjects, within the jurisdiction of his Majesty, as sovereign of the Island of Newfoundland; that such declaration and protection, if necessary, might be applied for in the regular diplomatic course; but that it was to be observed, that the question appeared to have been in some degree varied; first, by the line of argument pursued in the correspondence between Mr. Gallatin and Viscount Chateaubriand, the latter having rested his claim to the right of excluding the United States from the fisheries on those parts of the coast of Newfoundland, to which the above-mentioned correspondence applied, upon engagements contracted by the American Government towards that of France, long before October, 1818: according to his construction of which engagements, the United States had virtually rendered their exercise of the liberty of fishing between Cape Ray and the Quirpon Islands, conceded by Great Britain, dependent on the compliance of His Most Christian Majesty; and secondly, by the consent of the American Government, to open discussions on

this subject at Washington, with the French Chargé d'Affaires.

The American Plenipotentiary protesting wholly against the grounds assumed by France, as impairing in any degree the fishing rights of the United States, held under the Convention of October the 20th, 1818, and not admitting that any correspondence which had taken place between the Governments of the United States and France upon this subject could affect any of those rights; remarked, that his main object being to bring the question which had arisen between the United States and France fully under the notice of the Government of his Britannic Majesty, with a view to the objects stated in his paper marked E, (annexed to the protocol of the tenth conference), he should adopt the course of addressing an official representation upon the whole subject to his Majesty's principal Secretary of State for Foreign Affairs.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Fifteenth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 4th of June, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The British Plenipotentiaries stated, that having received the instructions of their government on the various important and extensive questions submitted for negotiation, they were now prepared to communicate fully and definitively thereon with the American Plenipotentiary.

Beginning with the articles of colonial intercourse, proposed by him at the third conference, they explained at large the sentiments of their Government, showing what insuperable objections, alike in principle as in practice, precluded Great Britain, in their estimation, from acceding to the articles in question, except with the omission of such parts as stipulated, in reference

to that intercourse, for a complete assimilation of the duties on imports from the United States into the colonies, to those levied on like imported articles, the produce of his Britannic Majesty's possessions.

The American Plenipotentiary stated, that he was not authorized to sign the proposed articles, without a full stipulation to the preceding effect; but that he was instructed to invite the British Plenipotentiaries, in case of the terms which he had offered not being accepted, to bring forward counter proposals, which he should be ready to transmit, together with any explanations, for consideration, to his Government.

Adjourned to Tuesday the 8th instant.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Sixteenth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 8th of June, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The British Plenipotentiaries, after further discussion in relation to commercial intercourse between the United States and certain of the British Colonies, gave in the annexed counter-*projet* on that subject, in reference to what had passed at the preceding conference, observing, at the same time, that the first two articles of the proposal communicated by the American Plenipotentiary in their third conference with him, had, in their opinion, no necessary connexion with the third, relating to the navigation of the river St. Lawrence, and that they

conceived it would be more convenient to treat of them separately.

Adjourned to Tuesday, the 15th instant.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Seventeenth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 15th of June, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The British Plenipotentiaries stated, that, in pursuance of the proposals of the American

Government, they were ready to enter into stipulations for settling, by compromise, the several questions which had arisen under the fifth article of the Treaty of Ghent; and that, agreeably to the disposition which they had expressed in a former conference, to treat of the navigation of the river St. Lawrence by vessels of the United States, on principles of accommodation and mutual concession, they now proposed to negotiate on that subject in connexion with the said questions which affect the boundary of the British and American territories, throughout the region contiguous to that part of the St. Lawrence which flows exclusively through his Majesty's dominions. They intimated, at the same time, that the course which they proposed in this manner to pursue, was founded on the understanding, that the navigation of the St. Lawrence, throughout his Majesty's territories, was not to be claimed by the United States as a right; and this intimation they accompanied with an exposition of the very decided opinion entertained by their Government against such an absolute, independent claim.

The American Plenipotentiary said, that he

was not able to go into the proposed negotiation, as relating to the St. Lawrence, on the principle of concession; but, on the contrary, that his instructions imposed upon him the obligation of pressing the claim of the United States to the entire navigation of that river, expressly on the ground of independent right; and that he conceived it would be his duty, in asserting that claim, to enter it so grounded on the protocol of the conferences.

It was agreed, however, that it would be convenient, on the whole, to postpone any decided step thereupon until the ensuing conference.

Adjourned.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Eighteenth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 19th of June, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The American Plenipotentiary, referring to that conference, stated, that he felt himself bound to present the claim of the United States to a concurrent enjoyment of the navigation of the river St. Lawrence, from its source to the sea, on the express ground of independent right. He said that he had indeed been left at liberty to exercise his judgment as to the time and manner of presenting that claim; but he was positively instructed to urge it, in the course of the negotiations, in the above decided sense of right; that otherwise he should have been obliged to prefer the same claim by direct application to the foreign department. It was in dis-

charge of the duty thus imposed upon him, that he gave in the annexed paper, marked B, containing a distinct exposition of the views and principles on which the above-mentioned claim of the American Government was sustained.

The British Plenipotentiaries, on receiving this declaration and written argument from Mr. Rush, observed, that it became their duty to deny, and they did therefore deny, in explicit terms, the right so claimed on behalf of the United States to navigate, in common with British subjects, that part of the river St. Lawrence which flows exclusively through his Majesty's territories; they added, that they could not conceal the surprise which they felt at learning that such a right was to be asserted by the American Government, especially as it must necessarily have the effect of tying up their hands with respect to the instructions which they had received from their Government on a very different apprehension of the subject, and which they had no hesitation in describing as founded on a most liberal and comprehensive view of the wishes and interests of the United States, with respect to the disputed points of the boundary line under the

fifth article of the Treaty of Ghent, no less than as touching the navigation of the St. Lawrence, which they had considered, on the principle of accommodation and mutual concession, as supplying additional means for the satisfactory adjustment of those disputed points by negotiation and compromise.

The American Plenipotentiary, in supporting the claim of his Government, averred that it was not put forward in any unfriendly spirit, but with reference to such of the national interests as were immediately concerned in the question, and that it was subject, of course, to the operation of further discussion between the two Governments, and a frank communication of their respective sentiments.

Adjourned.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Nineteenth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 26th of June, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference wa sread over and signed.

The British Plenipotentiaries stated, that, having considered the declaration made by Mr. Rush in that conference, concerning the independent right of the United States to the entire navigation of the river St. Lawrence, and the written argument which he had annexed to the protocol in support of that right, they felt themselves called upon to communicate, in a manner equally explicit and formal, the ground on which their Government denied a right of the description asserted on the part of the United States. They added, that, although the opinions which they had already declared

on that point, were unchanged, they thought it due to the gravity and importance of the question, not to give in their reply to the American argument until it had received the full sanction of the highest professional authorities in the country, on matters relating to the law of nations. For the accomplishment of this object, an interval of some days was obviously requisite, and therefore, to delay as little as possible the progress of the negotiations, they proposed to pass on for the present to the questions of boundary on the North-west coast of America.

The American Plenipotentiary said, that any delay as to the question of the St. Lawrence, did not, in his opinion, affect the points to be adjusted under the fifth article of the Treaty of Ghent, and that he desired to proceed at once to the conclusion of an agreement by which those points should be referred to a direct negotiation between the two Governments, as before proposed by him. But, as it appeared on discussing these matters, that Mr. Rush was authorized only to take *ad referendum* any counter-proposals of the British Government on the above-mentioned points, (whether those

counter-proposals conveyed any positive terms of compromise, or only such arrangements as the British Plenipotentiaries conceived must necessarily accompany the mere agreement to settle the points at issue by compromise, and that his instructions would not allow of his *concluding* any thing at present with the British Plenipotentiaries as to the various preparatory steps indispensable for carrying the disputed points of the fifth article of the Treaty of Ghent before an arbitrator, if arbitration should be found after all to be inevitable —it was finally agreed that the Plenipotentiaries should meet again on the 29th instant, in order to communicate definitively on the subject of the North-west boundary.

Adjourned.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Twentieth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 29th of June, 1824.

Present--Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The British Plenipotentiaries stated and explained at length the sentiments of their Government, with respect to the conflicting claims of Great Britain and the United States to the territories in North America, lying between the Rocky Mountains and the Pacific Ocean. They declined the proposal made on this subject by the American Plenipotentiary, and annexed to the twelfth protocol, because it would substantially have the effect of limiting the claims of their Government to a degree inconsistent, as they thought, with the credit and just interests of the nation. After much discussion and mutual explanation of the

claims on each side, when taken in their full extent, it was agreed that, following the example given by the American Plenipotentiary in his proposal, it would be advisable to attempt a settlement on terms of mutual convenience, setting aside for that purpose the discordant principles on which the respective claims were founded. Whereupon the British Plenipotentiaries stated, in general terms, that they were ready, either to agree on a boundary line, to be drawn due west from the Rocky Mountains, along the 49th parallel of latitude, to the North-easternmost branch of the Colombia or Oregon River, and thence down the middle of that river, to the ocean, or to leave the third article of the Convention of 1818 to its natural course. The American Plenipotentiary in remarking upon this boundary, declared his utter inability to accede to it; but finding that the line offered in his former proposal was considered wholly inadmissible by the British Plenipotentiaries, said, that in the hope of adjusting the question, he would so far vary his former line *to the south*, as to consent that it should be the 49th instead of the 51st degree of north latitude.

In the course of the conference, the American Plenipotentiary stated, that he was instructed to insist on the principle, that no part of the American continent was henceforward to be open to colonization from Europe. To explain this principle, he stated, that the independence of the late Spanish provinces precluded any new settlement within the limits of their respective jurisdictions; that the United States claimed the exclusive sovereignty of all the territory within the parallels of latitude which include as well the mouth of the Columbia as the heads of that river, and of all its tributary streams; and that, with respect to the whole of the remainder of that continent not actually occupied, the Powers of Europe were debarred from making new settlements, by the claim of the United States, as derived under their title from Spain.

The British Plenipotentiaries asserted, in utter denial of the above principle, that they considered the unoccupied parts of America just as much open as heretofore to colonization by Great Britain, as well as by other European Powers, agreeably to the Convention of 1790, between the British and Spanish Governments,

and that the United States would have no right whatever to take umbrage at the establishment of new colonies from Europe in any such parts of the American continent.

The British Plenipotentiaries added, that they felt themselves more particularly called upon to express their distinct denial of the principle and claims thus set forth by the American Plenipotentiary, as his claim respecting the territory watered by the river Colombia and its tributary streams, besides being essentially objectionable in its general bearing, had the effect of interfering directly with the actual rights of Great Britain, derived from use, occupancy, and settlement.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Twenty-first Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 3d of July, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The questions of maritime law were taken up. The British Plenipotentiaries stated, with reference to Mr. Rush's communication on this head, as recorded in the protocol of the thirteenth conference, that the sentiments of their Government, respecting the impressment of British seamen in time of war, were unchanged; and that, however anxious they were to reconcile the eventual exercise of that right on the high seas with the convenience and feelings of other nations, they could not, consistently with their duty, agree to waive it,

with respect to the vessels of the United States, except on receiving a full and efficient security that the end for which it was occasionally resorted to should be substantially attained by other satisfactory means. That, having been informed by the American Plenipotentiary that he had to propose no measures for effecting this important object essentially differing from those which, in former negotiations, had been found inadequate, they could not but concur with him in the opinion, that any discussion of the question, at the present moment of general tranquillity, would be altogether unadvisable.

With regard to the other maritime questions affecting the relations of neutral and belligerent powers, the British Plenipotentiaries observed, that, as the American Plenipotentiary was not prepared to enter into stipulations respecting them, except in conjunction with the subject of impressment, which subject was not to be entered into, for the reasons above-stated, the discussion of these questions, under the present circumstances, would obviously be attended with no practical utility.

They expressed themselves willing, at the same time, to treat on other points, not falling

under this head, but connected with the improvement of friendly intercourse and good neighbourhood, already subsisting between the two countries, if the American Plenipotentiary felt himself at liberty to entertain proposals founded on this principle. The American Plenipotentiary expressed his readiness to receive and transmit to his Government any suggestions of this description; but stated that he was not prepared to propose or definitively accept any stipulations of such a nature, except in conjunction with an arrangement as to the maritime questions.

Adjourned.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Twenty-second Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 9th of July, 1824 :—

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over, and, after some discussion, signed.

The American Plenipotentiary stated that the question of abolishing private war, and all capture of private property at sea, was considered by him as standing apart from the other questions of maritime law which had been heretofore discussed between the two Governments, inasmuch as it was perfectly new, and had been proposed by his Government to other European Powers as well as to Great Britain; and he wished it to be understood that he was

ready to treat on that question alone, notwithstanding the decision already taken upon the other questions of maritime war.

The British Plenipotentiaries said, in reply to this statement, that, under the circumstances which prevented any present discussion of the questions of maritime law discussed in former negotiations, there would be manifest inconvenience in now going into a question of the same class, which, besides being totally new as an object of discussion, involved the most extensive change in the principles and practice of maritime war, as hitherto sanctioned by the usage of all nations.

The British Plenipotentiaries, adverting to the other points not falling under the head of maritime law, but connected with the improvement of friendly intercourse and good neighbourhood between the two nations, on which, in the preceding conference, they had offered to treat independently, communicated the substance of nine articles, which they had been prepared to give in, if the American Plenipotentiary had felt himself at liberty to conclude an arrangement on them, and on which they declared themselves still ready to enter into

stipulations with the Government of the United States.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Twenty-third Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 13th of July, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The British Plenipotentiaries, in more complete explanation of the statement made by them, in the twentieth conference, gave in an article, comprising the counter-proposals of their Government, as to the North-west Bound-

ary, in America, from the Rocky Mountains to the Pacific Ocean. They observed, at the same time, that, if their article were accepted, in substance, by the American Government, it would be necessary, on framing it into a convention, to give its details and accompanying arrangements a more distinct and expanded shape. They added that, in making the annexed proposal, they had departed considerably from the full extent of the British right, agreeably to the readiness which they had before expressed to settle the North-west Boundary on grounds of fair compromise and mutual accommodation.

The American Plenipotentiary, in receiving the above article from the British Plenipotentiaries, remarked, that he wished it also to be understood that, in proposing a modification of the article originally submitted by him on this subject, he had been governed by the same view.

The American Plenipotentiary introduced the question of allowing United States Consuls to reside in the British Colonial Ports, and requested to be made acquainted with the sentiments of the British Government thereon.

The British Plenipotentiaries referred, in reply to the counter proposals which they had already given in, on the subject of colonial intercourse; of which proposals the reception of American Consuls formed a distinct part.

Mr. Rush observed, that the residence of foreign Consuls in any country did not appear so much to depend on any particular set of commercial regulations, as to belong essentially to trade, under whatever form it might be carried on; and he supported this observation by arguments connected with the protection of merchants trading under any lawful circumstances with a foreign country.

The British Plenipotentiaries agreed to take this suggestion into consideration before the next Conference.

Adjourned.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Twenty-fourth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 19th of July, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed. The British Plenipotentiaries gave in the annexed paper, in reply to the argument relating to the free navigation of the river St. Lawrence, given in by the American Plenipotentiary at a preceding conference, and, in like manner, annexed by him to the protocol.

The British Plenipotentiaries, referring to what had passed at the preceding conference, on the subject of receiving United States Consuls in his Majesty's open Colonial Ports, stated that, although they saw no objection to the admission

into those Colonies of foreign Consuls, subject to the usual exceptions and reservations, while foreign vessels were in the practice of carrying on a lawful trade with the Colonial Ports, they conceived that there would be inconvenience in actually recognising such appointments there, so long as it was uncertain, not only whether the proposals which they had given in on the subject of colonial intercoursewould be accepted by the American Government, but even whether the trade now carried on between the United States and his Majesty's Colonies, would not be so clogged with additional burthens as to lead to its total interruption.

Adjourned.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Twenty-fifth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 22d of July, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The American Plenipotentiary, referring to the reply given in by the British Plenipotentiaries to his argument on the navigation of the river St. Lawrence, and annexed to the protocol of the preceding conference, made observations tending, in his opinion, to sustain the view which he had before presented of that subject.

It was agreed, in consideration of the numerous and complicated questions on which the conferences had turned, that the Plenipotentiaries should meet again, and communicate with each other, prior to sending in to their

respective Governments their final reports of the present state of the negotiations, suspended by the necessity of referring to Washington on some of the subjects that had been presented for discussion.

Adjourned.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

Protocol of the Twenty-sixth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 28th of July, 1824.

Present—Mr. Rush.
Mr. Huskisson.
Mr. Stratford Canning.

The protocol of the preceding conference was read over and signed.

The Plenipotentiaries, after communicating with each other in pursuance of the agreement taken at the preceding conference, and persuaded that they had sufficiently developed the sentiments of their respective Governments on the various subjects of their conferences, separated, under the circumstances which necessarily prevented for the present any further progress in the negotiations.

RICHARD RUSH.
W. HUSKISSON.
STRATFORD CANNING.

CHAPTER XXVII.

LEVEE AT CARLTON PALACE.—INFORM MR. CANNING OF MY RECALL, AND ASK AN INTERVIEW WITH THE KING, A TIME FOR WHICH IS APPOINTED. — THE MISSION CLOSES WITH AN AUDIENCE OF LEAVE OF THE KING.

April 20, 1825. Attended the levee. Gave Mr. Canning information of my recall, having been invited home by President Adams, to preside over the Treasury Department at Washington. I asked, when I might hope for the honour of an audience of the King, to deliver my letter of recall, and take leave of his Majesty. He appointed the 27th instant.

Mr. Canning congratulated me in friendly terms on the home trust to which I was called, and proposed that we should correspond after I returned to the United States; to which I cordially assented.

I had half an hour's conversation with Sir John Copley,* and the Bishop of London, on

* Afterwards Lord Chancellor Lyndhurst.

our late Presidential election. Both agreed, that its quiet termination, considering the number of candidates in the beginning, (Mr. Crawford, Mr. Adams, General Jackson, Mr. Clay, and Mr. Calhoun,) spoke well for our constitution, and the political habits of the people.

April 23. Dined at Mr. Canning's with all the foreign ambassadors and ministers, it being St. George's day, and the dinner given in celebration of the King's birthday. Mr. Canning was not at table, being suddenly unwell. Mr. Planta and Lord Howard de Walden did the honours of the table for him.

April 27. Had my audience of leave of the King. I said, that having been called home by my Government, I had the honour to deliver to his Majesty a letter from the President, mentioning his intention of recalling me; in delivering which I was charged by the President to say, how sincerely it was his desire to maintain, in all respects, the good understanding which had subsisted between the two countries, during the period I had resided at his Majesty's Court.

The King reciprocated fully the President's desire, and thought proper to say that he was

sorry I was going away, though, having understood the cause, it was to be expected; and he added other kind words. Lord Bathurst was present at the interview. I thanked his Majesty for the many tokens of kindness with which he had honoured me during so long a residence at his Court. He inquired as to the time of my embarkation, probable duration of the voyage, health of my family, and so on; the conversation lasting fifteen or twenty minutes, when I took my leave.

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Rush, Richard

A residence at the court of London, comprising incidents, official and personal, from 1819 to 1825 amongst the former, negotiations on the Oregon territory, and other unsettled questions between the United States and Great Britain ; second series
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